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CIVIL SOCIETY AND POLITICAL CHANGE IN MOROCCO

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**Submitted by
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**For the degree of Doctor of Philosophy
Faculty of Social Sciences, University of Durham
Institute for Middle Eastern and Islamic Studies**

April 2003



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ABSTRACT

Since the early 1990s, Morocco has been undergoing a period of political change and reform. At the same time, Morocco witnessed an increased activity of organisations of civil society, which have been able to initiate discourses on human rights, women's rights and also Berber rights. As a result, political change has been associated with increasing political space that has been accorded to these non-state actors. By focusing on the relationship between changing features of the Moroccan state on the one hand, and increasing civil society activity on the other, this thesis aims to answer the question of whether organisations of civil society have constituted a factor in their own right that has contributed to political change in Morocco.

While the general assumption is that increased civil society activity leads to changes towards 'democracy', it is aimed to show that this assumption does not always hold. Therefore, the concept of civil society will be coupled with that of the public sphere, in order to illustrate how increasing activity in the public sphere has an impact on policy makers without, however, forcing rulers to embrace full, Western-style democracy. Consequently, far from considering the lack of civil society's 'democratic' challenge to the régime as a default, it will be shown that this has been one of civil society's most essential features and one which allowed it to rally for rights-oriented policies.

DECLARATION

The material contained in this thesis is the author's own work and has not been previously submitted for a degree in this or any other university. Material drawn from the literature of other authors or sources is acknowledged in the text.

A handwritten signature in black ink, appearing to read 'J. Gaby', is centered on the page.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADFM	Association Démocratique des Femmes du Maroc
ALCS	Associations Marocaine de la Lutte Contre le Sida
AMDH	Association Marocaine des Droits de l'Homme
AMEJ	Association Marocaine pour l'Education de la Jeunesse
AWI	Al Adl wal Ihssan
CCDH	Conseil Consultatif des Droits de l'Homme
CDT	Confédération Démocratique du Travail
CGEM	Confédération Générale des Entreprises du Maroc
CIFD	Cellule Intégration de la Femme au Développement
CMA	Congrès Mondial Amazigh
DST	Direction de la Sécurité du Territoire,
ICCPR	International Covenant for Civil and Political Rights
ICSER	International Covenant for Social and Economic Rights
JOM	Jeunesse Ouvrière Marocaine
LMDH	League Marocaine des Droits de l'Homme
MENA	Middle East and North Africa
MPDC	Mouvement Populaire Démocratique Constitutionnel
NGO	Non-Governmental Organisation
OADP	Organisation d'Avantgarde Démocratique et du Progrès
OMDH	Organisation Marocaine des Droits de l'Homme
PADS	Parti de l'Avantgarde Démocratique et du Socialisme
PIFD	Plan d'Intégration de la Femme au Développement.
PJD	Parti de Justice et du Développement
PPS	Parti du Progrès et du Socialisme
RNI	Rassemblement National des Indépendants
SNPM	Syndicat National de la Presse Marocaine
TM	Transparency Maroc
UAF	Union Action Féminine
UGEM	Union Générale des Etudiants Marocains
UGTM	Union Générale des Travailleurs Marocains
UMA	Union Marocaine de l'Agriculture
UMT	Union Marocaine du Travail
UNFP	Union Nationale des Forces Populaires
UNPM	Union Nationale de la Presse Marocaine
UC	Union Constitutionnelle
USA	L'Union des Syndicats Agricoles
USFP	Union Socialiste des Forces Populaires

CHAPTER ONE: INTRODUCTION

This thesis is about civil society and the public sphere, and how both concepts apply to Morocco. Both concepts are used in order to explain how political change occurs as a result of domestic discourses. The research question that this thesis aims to answer is whether new organisations of civil society constituted a factor in its own right that had contributed to political change in Morocco.

Political change is defined more broadly than the 'formal' aspect of democratisation, which is the narrow focus on the negotiation process between the monarchy and opposition parties. Instead, being part of what may be called 'substantive' democratisation, political change in Morocco is understood as citizen's increased participation in public affairs, which results in a redefinition of the relationship between the governors and the governed.

In order to examine the research question, it is important to clarify which social groups can be considered new, what is meant by the term 'civil society', and which concepts are used in this thesis to understand political change. At the same time, the question is connected to a number of hypotheses, which will be examined in this case study. The first one is connected to the appearance of these new groups. Why did they suddenly appear in Morocco? This needs to be analysed in relation to the Moroccan political system, and my first hypothesis is that they have appeared as a result of the failures of an 'old' political system to accommodate social interests and grievances. The second hypothesis concerns their impact on the political system. Which realm of the state and its institutions is primarily affected by these groups' activities, and why should the state react? It is my hypothesis that these groups are able to initiate discourses, which challenge the state's hegemony, i.e. the state's discursive presence in civil society; ideologically and institutionally. Reacting to this challenge to its hegemony, the state uses a variety of strategies: Accommodation, appropriation, and the definition of boundaries beyond which a public discourse and a public challenge to the state's hegemony, is prohibited. This happens through the state's monopoly over the means of coercion. These strategies require the state's

engagement in these discourses that challenge the state's hegemony, with the exception of the state's use of coercion and direct censorship. The most central hypothesis to be tested is, then, whether this participation of the state in discourses is changing the state's hegemony, as well. Therefore, as a catalyst for political change, this participation is changing the relationship between state and society, as well.

In the Middle East and North Africa (MENA) region, there have been three major approaches to civil society. The first approach resembles Western images of Arab-Islamic society, and believes that Islamic belief systems and patriarchal tribal social organisation obstruct values such as tolerance, civic values, and personal freedom. Therefore, 'Arab civil society' is considered to be an oxymoron. The rise of Islamic revivalist movements and puritans advocating Islamic law is understood as Muslim resistance to modernity. A second view has become associated with the concept of corporatism, which was borrowed from analyses of Latin America. Corporatist tendencies are processes in which the state dominates any kind of economic and civic participation: Centralisation; one-party rule; pervasive state security establishments; co-optation of independent trade unions and other groups that express their independence vis-à-vis dominant state structures and régimes in place. The third school of thought equates civil society with Western-style formal non-governmental organisations (NGO) in the private and voluntary sector. In policy circles as well as among scholars concerned with democratic transition, it is assumed that these NGOs foster political liberalisation and democratisation 'from the bottom up' or 'from the grass-roots level.'¹ NGOs' independence vis-à-vis the régimes, and their opposition to them, are the defining characteristics of this civil society.

¹ Sheila Carapico: Civil Society in Yemen. The Political Economy of Activism in Modern Arabia. (Cambridge: Cambridge University Press, 1998), pp. 4-7.

1.1 Objectives

By linking civil society to the public sphere, this thesis aims to bridge the gap between the latter two approaches and account for a reciprocal dialectic between state and civil society. In the following sections, of which the aim is to define civil society by linking it to the public sphere, it will be illustrated that these two approaches fall into two greater paradigms of civil society, of which the roots date back to the late 17th and early 18th century. I have classified them as ‘Civil Society as Opposition to the State’ and as ‘Civil Society as Intermediary between State and Society.’

Second, in order to answer the research question, this Ph.D. thesis aims to analyse the development of groups of civil society in relation to the state since the mid-1980s. It will examine the pre- and post-independence period, in order to provide the background for civil society development since the mid-1980s. The use of historical material aims at illustrating the existence of an ‘old system,’ in which state-civil society relations existed. It will then be shown that when some organisations changed key-aspects of their political activity, and when they changed their relation to the state, this prompted the state to change some of its strategies of ‘containing’ these organisations, as well.

Third, it is the aim of this thesis to show how political change can be conceived of through private citizen’s commitment to, and engagement in, the public sphere. It will be shown that this engagement in the public sphere has been possible due to the existence of ‘new’ organisations of civil society, and it is therefore one outcome of civil society’s interaction with the state.

1.2 Defining Civil Society

1.2.1 Civil Society as Opposition to the State

The use of the concept of civil society in transitional politics has been related to the analysis of opposition to authoritarian states. According to Guillermo O'Donnell and Philippe C. Schmitter a “resurrection of civil society” is likely to occur when an initial political opening has taken place. “Once something has happened - once the soft-liners have prevailed over the hard-liners, begun to extend guarantees for individuals and some rights of contestation, and started to negotiate with selected régime opponents - a generalized mobilization is likely to occur.”² This is reminiscent of classical liberal social contract theories of civil society, as they were formulated in Adam Ferguson’s *Essay on the History of Civil Society* (1767) and Thomas Paine’s *Rights of Man* (1792). Civil society became to be seen as a means of defence against potential abuse by political leaders. As such, it was a concept for the description of a new European civilisation and it expressed this civilisation’s consciousness and self-confidence as to its own possibilities, in contrast to the absolutist non-productive and non-inventive state.³ It was linked to the economy, because civil society’s dynamic and possibilities came from within the productive sector. In the 19th century, de Tocqueville became one of the most explicit theorists of a civil society, which should function as counterweight to the state to ensure the freedom of citizens. According to de Tocqueville, in pursuit of equality, citizens empowered the state

² Guillermo O'Donnell and Philippe C. Schmitter: Tentative Conclusions about Uncertain Democracies. (Baltimore and London: The Johns Hopkins University Press, 1986). pp. 48-56.

³ Paine’s anarchistic-liberal model has been very famous. Here “the theme of restricting state action is pushed almost to its limits” (John Keane: ‘Remembering the Dead. Civil Society and the State from Hobbes to Marx and Beyond’ in John Keane: Democracy and Civil Society (London and New York: Verso, 1988), p. 42. As Foley and Edwards rightly point out, another distinction may be made between two branches of this “civil society argument.” “Civil Society I,” crystallised by Alexis de Tocqueville’s Democracy in America (New York: New American Library, 1956) puts special emphasis on the ability of associative life in general and the habits of association in particular to foster patterns of civility in the actions of citizens in a democratic polity. The “Civil Society II” argument was best articulated by Jacek Koran and Adam Michnik. It was a strategy of resisting Poland’s communist régime in the 1980s, and has also been evident in the recent literature on processes of ‘democratisation’ in Latin America. O'Donnell and Schmitter’s quotation, cited above, is an example of this. See Michael W. Foley and Bob

to undertake the widespread provision of public goods. But in doing so, they surrendered a measure of liberty, which would allow “the administrative suffocation of civil society” and descent into “relations of political dependence.”⁴

In the MENA region, this theoretical identification of civil society as a counterweight to the state has been particularly prominent. Guided by normative assumptions about ‘civility’, some authors connected civil society directly with a pro-democracy movement. According to Ibrahim for example

The linkage between civil society and democratization should be obvious. Democracy after all is a set of rules and institutions of governance through a peaceful management of competing groups and/or conflicting interests. Thus the normative component of ‘civil society’ is essentially the same as that of ‘democracy.’⁵

The most influential approach to civil society in the Middle East stems from the civil society project organised at New York University from 1991-1994 under the programme director Augustus Richard Norton, of which the results were published in two edited volumes *Civil Society in the Middle East*. Norton claims that there is no direct link between civil society and democracy: “societies do not take two tablets of civil society at bedtime and wake up the next morning undergoing democratization.”⁶ Nevertheless, he contends that a liberal civil society provides both the structural underpinning of representative democracy and the terrain on which an organised working class can develop. For him, civil society is grounded in free economic markets and the quest of the bourgeoisie for political differentiation from the state. It is therefore indirectly the force that is pushing for democratic transition.⁷ He argues against the view that civil society

Edwards: ‘The Paradox of Civil Society’ in *Journal of Democracy*, Vol. 7, No. 3, July 1996, p. 39.

⁴ John Keane: *Civil Society and the State* (London: Verso, 1988), pp. 35-36.

⁵ Saad Eddin Ibrahim: ‘Civil Society and the prospects of democratization in the Arab world’ in Brynen, Korany, Noble: *Political Liberalization and Democratization in the Arab world. Vol. I Theoretical Perspectives*. (Boulder and London: Lynne Rienne Publishers, 1995), p. 29.

⁶ Augustus Richard Norton: ‘Introduction’ in Augustus Richard Norton (ed): *Civil Society in the Middle East, Vol. II*, (Leiden: E.J. Brill, 1996), p. 6.

⁷ Augustus Richard Norton: ‘Introduction’ in Augustus Richard Norton (ed): *Civil Society in the Middle East, Vol. I* (Leiden: E.J. Brill, 1995), p. 7-8.

is “deficient, corrupt, aggressive, hostile, infiltrated, co-opted, insignificant, or absent,”⁸ claiming that these are general views of Middle Eastern civil society. As he takes on board Edward Shil’s principle of ‘civility’ and ‘tolerance’,⁹ the Islamic movement does not fit into his concept and remains excluded.

Civil Society is more than an admixture of various forms of association; it also refers to a quality, civility, without which the milieu consists of feuding factions, cliques, and cabals. Civility implies tolerance, the willingness of individuals to accept disparate political views and social attitudes, to accept profoundly important idea that there is no right answer.¹⁰

Other authors have criticised this approach. Beckman, for instance, points out that as shorthand for all kinds of associative life, civil society tended to generate a circular reasoning with regards to democratisation.

[I]t promotes a dichotomized view of state-society relations which obstructs an understanding of the way in which they mutually constitute each other; it tends to downplay the existence of a variety of civil societies, their internal contradictions, and the fact that they are not necessarily supportive of democratization, in a liberal sense.¹¹

Thus, if only the features of associative life that are supportive of a liberal-democratic project are considered civil society proper, then the hypothesis of a link between civil society and democracy becomes in mathematical terms an identity-function. Moreover, civil society is then put into the static frame of predefined values, which obstructs an analysis of the very same features of state-society relation. Thus, when analysing civil society, one needs to keep in mind that generally speaking non-democratic régimes do also have a stratum of supportive elements that constitute a political discourse outside the immediate

⁸ Ibid. p. 8.

⁹ See Edward Shils: ‘The virtue of Civil Society’ in Government and Opposition, Vol. 26, No. 1. (Winter 1991), pp. 3-20.

¹⁰ Augustus Richard Norton: ‘Introduction’ in Augustus Richard Norton (ed): Civil Society in the Middle East, Vol. I (Leiden: E.J. Brill, 1995), p. 11-12.

¹¹ Bjoern Beckman: ‘Explaining Democratization: Notes on the Concept of Civil Society’ in Elisabeth Oezdalga and Sane Persson (ed): Civil Society, Democracy, and the Muslim World. (Istanbul: Swedisth Research Institute in Istanbul, 1997), pp. 1-2.

reach of the state (i.e. civil society). Here civil society may take patriarchal, Islamic, Christian, communist, or fascist forms. As Beckman argues:

Even if we restrict ourselves to looking at groups in society which we think have a particular potential for supporting democracy, we need to have an open mind on their contradictory and changing nature. They may, at different points in time, either be supportive, indifferent, or hostile to the democratic project. For instance, a group may oppose military dictatorship but may decide to work with factions of the military which are considered more sympathetic to its group's interests. Most likely, such a line will be contested both within the organization and from outside. So, who is to be considered part of civil society and who is not?¹²

For the purpose of this thesis, an identification of civil society in this sense would be analytically restrictive. It would focus only on those associations that are clearly identified as representing an opposition to the state. It would consequently produce an analysis in which these associations, through their opposition values, contribute to political change, in so far as they would constitute a societal core of democratic values. It would thereby provoke a representation of civil society within a harmonious model, analytically changing the perspective with which this thesis tries to capture the dynamics of state-civil society relations.

1.2.2 Civil Society as an intermediary between state and society

Authors who do not adhere to a dichotomising view of state-civil society relations take a different view. Hegel was the first of these.¹³ He sought to incorporate associations into the activities of the state in an attempt to prevent unconstrained liberalism through a recreation of Plato's republic. In contrast to his liberal, mostly Anglo-Saxon, contemporaries, Hegel did not believe in the harmonious human condition. Instead, he regarded civil society as inherently unstable and conflicting, because of the competitive interplay of private interests

¹² Beckman, *ibid.* p. 2.

¹³ Hegel: Philosophy of Right Translated by T.M.Knox, (London: Oxford University Press, 1952), pp. 122-155.

and market forces. He argued that “civil society cannot remain ‘civil’ unless it is ordered politically, subjected to ‘the higher surveillance of the state’”¹⁴

Similarly, the leading twentieth century writer on civil society, Antonio Gramsci, opposed a dichotomous view of civil society and the state. Indeed, connecting civil society within Marxist parameters to the superstructure, Gramsci views civil society within the realm of the state. Echoing Hegel’s ideas of state-civil society relations, Gramsci defines civil society as “the political and cultural hegemony, which a social group exercises over the whole of society, as the ethical content of the state”.¹⁵ In his view, civil society is dominating and preceding the state. The medium of state-power – domination and coercion – needs to be sustained through hegemony.¹⁶ Because of this, Gramsci describes civil society as the “powerful system of fortresses and earthworks” situated behind the state, giving the state its stability and power.¹⁷ The close inter-relatedness of civil society and the state finds its theoretical concept in the ‘integral state.’ Here Gramsci suggests that “by ‘State’ should be understood not only the apparatus of government, but also the ‘private’ apparatuses of ‘hegemony’ or civil society”.¹⁸ In another passage, he contends that the state is “the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules.”¹⁹ This can be summarised with his famous statement that the “State = political society + civil society, in other words hegemony protected by the armour of coercion”.²⁰ It should be noted, however, that in this expression, political society takes the function of the conventional understanding of the state, i.e. the institutions of state power. Gramsci does not

¹⁴ Keane: *Civil Society and the State* (London: Verso, 1988), p. 52.

¹⁵ Gramsci quoted in Norberto Bobbio: ‘Gramsci and the Concept of Civil Society’. In: John Keane: *Civil Society and the State*. (London: Verso, 1988), p. 84.

¹⁶ I will define the concept of hegemony on page 29.

¹⁷ Antonio Gramsci: *Selections from the Prison Notebooks*. Edited and translated by Quintin Hoare and Geoffrey Nowell Smith. (London: Lawrence and Wishart, 1971), p. 238.

¹⁸ Ibid. p. 261.

¹⁹ Ibid. p. 244.

²⁰ Ibid. p. 262

claim that civil society is part of the state sphere proper,²¹ but rather that for a proper understanding of state power, hegemony and the institutions of civil society have to be taken into account. Gramsci's discussion of the institutions of state power, i.e. the state in the conventional understanding, or what he calls in various passages 'political society' supports this view. In his view, all powers are also subject to hegemony (and civil society), but in different degrees and in the following order: 1. legislature, 2. judiciary, 3. executive. Commenting on the judiciary as a special case, he contends that "lapses in the administration of justice make an especially disastrous impression on the public: the hegemonic apparatus is more sensitive in this sector, to which arbitrary actions on the part of the police and political administration may also be referred."²² Here, hegemony in civil society means that state power is subject to some form of public scrutiny, which as a whole determines the character of the integral state, or the state in Gramsci's sense. This means, however, that power in the integral state is divided into state power proper, i.e. coercion/ domination, and hegemony, and cannot be conceived of in a simple descending state towards society (top to down) fashion.

Applying Gramsci's framework of the state to the Middle East, Ayubi argues that due to the lack of any class hegemony, politics in the MENA region has been characterised not by an orderly process of aggregating demands, but rather of acts of capturing the state and acts of resisting to its attempts at controlling the populace through its means of administration and policing. He states his two main hypotheses, thus:

Once in power the ruling caste usually has no intention of giving it up, but the techniques of maintaining power vary from case to case - although there are two important types. In situations where the preservation and enhancement of the privileges of the group

²¹ Which John Urry, in his interpretation of Gramsci, seems to suggest. Seeing civil society and the state proper as one and the same, implies for him that both spheres would make use of the same medium, that is coercion and hegemony. From this point of view, he criticises this conception because civil society does not have the capacity to use coercion as a regulating medium. This conclusion is a result of the misconception of conceiving civil society and state proper as one and the same. Instead, as suggested here, civil society has to be seen as part of the 'integral state', and *not* as the state in its common usage. See John Urry: The Anatomy of Capitalist Societies. The Economy, Civil Society and the State. (London: Macmillan Press, 1981), pp. 21/22.

²² Gramsci, 1971, op.cit, p. 246.

that captures the state would require preserving the status quo (without necessarily rejecting economic growth or artificial modernisation), the ruling caste would strive to co-opt other groups, in a 'consociational' manner if possible. ... In situations where the promotion of the interests of the group/fraction that captures the state would require changing the status quo via acts of social engineering (e.g. developmentalism or so-called socialism, etc.), the political techniques would include both political co-optation and political isolation.²³

Even if this picture might be adequate for a certain phase in state- and nation building in the post-colonial period of many developing countries, such an intermediate framework excludes civil society as anything but the servant of either state or society, denying it the possibility of constituting an autonomous sphere. This is especially true for the concept of neo-patrimonialism, which I will discuss later on in this chapter. Hegemony is an important tool for understanding state-civil society *relations*, which I will define on page 29. However, if it stands alone it risks analytically diminishing the possibility of civil society's autonomous articulation of social, cultural, and ethical values and interests, thereby dictating the substance and contents of civil society. This is because the presence of hegemony would signify the state's ideological penetration of civil society and its absence an isolated dichotomy between state and civil society.

Consequently, how is it possible to analyse organisations of civil society and the central question of this thesis, whether they have constituted a factor that has caused political change, without analytically limiting the outcome of the study? How can an analytical framework account for the possibility that state-society relations will overcome a period of either confrontation or co-optation to develop a mutually accepted framework, in which the state tries to become hegemonic by means of representing the main social values and interests? In other words, which analytical framework can account for the possibility that 'new' organisations of civil society can influence decision making processes and ultimately the shape and content of the state, *whilst remaining independent?*

²³ Nazih N. Ayubi: Over-stating the Arab State (London and New York: I.B. Tauris 1995) p. 25.

1.2.3 Civil society as public sphere

It is understood in this thesis that linking civil society to Habermas's use of the public sphere can account for the possibility that organisations of civil society influence decision-making processes whilst remaining independent from the state. It thereby accounts for the "elusiveness of the state-society boundary" which is according to Timothy Mitchell

not ... a problem of conceptual precision, but ... a clue to the nature of the phenomenon. [The boundary] must not be taken as the boundary between two discrete entities, but as a line drawn internally within the network of institutional mechanisms through which a social and political order is maintained.²⁴

Habermas defines the public sphere as

a network of communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way that they coalesce into bundles of topically specified public opinions. Like the lifeworld as a whole, so, too, the public sphere is reproduced through communicative action for which mastery of a natural language suffices; it is tailored to the general comprehensibility of everyday communicative practice.²⁵

As an ideal form, the public sphere is created through linguistic encounters and the use of language. Historically and as an institution, it developed in early capitalist development out of the intimacy of the household, from which the production of goods was taken into the public organisation of capitalist production. Because of this intimacy at home in the patriarchal bourgeois family, power was curtailed within the public sphere, and in the formation of a discourse the use of reason became dominant. In the beginning, this took place within newly established literary circles, but with the increasing administrative interference of the absolutist state into private life, the public sphere became

²⁴ Timothy Mitchell: 'The Limits of the State. Beyond statist approaches and their critics' in *American Political Science Review*, Vol. 65, No. 1, March 1991, p. 78.

²⁵ Jürgen Habermas: *Between Facts and Norms. Contribution to a discourse theory of law and democracy*. Translated by William Rehg (Cambridge Mass. MIT Press, 1996), p. 360.

political. “[B]ut ... even when it turns political [it] aims neither at the utopian destruction of the state not at becoming a new state ... but rather at a new form of political dualism in which a political public sphere would control the public authority of the modern state.”²⁶ According to Habermas, this was a reaction to the increasing zones of administrative and regulative contact between privatised households and the state, “which provoked the critical judgement of a public making use of its reason.”²⁷ The press was of crucial significance here, as it was the means by which the state transformed the privatised households - society at large - into a public zone.

The importance of the public sphere for civil society and political change derives from the following ideas. First of all, the public sphere aims at its own institutionalisation rather than at its conversion to new forms of power.

Critique in this model attempts its own institutionalization rather than a conversion into a new form of power that would potentially feel itself endangered by critical reason. ... The modern state, in its originally absolutist form, represents the challenge motivating the establishment of a veritable countersociety, a society against the state. But this society, even when it turns political, aims neither at the utopian destruction of the state not at becoming a new state, nor even at the unification of these aims as in the Reign of Terror, but rather at a new form of political dualism in which a political public sphere would control the public authority of the modern state.²⁸

Second, the public sphere is an expression of the transformation of private individuals into public issues. It necessitates the administration’s prior intervention into everyday life. This dualism can be conceived of as a result of the members of the élite beginning to see themselves not only as the object of state action but also as being part of what constitutes *public concern*. Being

²⁶ A. Arato and Jean Cohen: Civil Society and Political Theory (Cambridge, Mass: MIT Press, 1992), p. 216.

²⁷ Jürgen Habermas: The Structural Transformation of the Public Sphere, (Cambridge Mass. MIT Press, 1989), p. 24. In Morocco, it may be a reaction to corruption, to administrative interference in business (anti-corruption campaign), the withholding of passports for women, the use of foreign languages on *national* TV, etc.

²⁸ Arato and Cohen, 1992, op.cit., p. 216.

affected by the regulations of mercantilist policies, consumption regulations, dress codes, taxes and duties, and other official interventions into the privatised household, this new zone of administrative contact “became ‘critical’ ... in the sense that it provoked the critical judgement of a public making use of its reason. The public could take on this challenge all the better as it required merely a change of the function of the instrument with whose help the state administration had already turned society into a public affair in a specific sense – the press.”²⁹ The challenge, which the modern state poses to the emerging public sphere, can be described as that conflict between administrative power and reason. In Habermas’s view, the fact that the conflict took the form of mercantilist policies versus the capitalist mode of production does not render it a conflict between the capitalist mode of production and the state. Rather, due to the widespread consequences of state measures, it accelerated the emergence of a critical public sphere, producing rational-critical public discourses. Habermas summarises all of this in the following way:

The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labour. *The medium of this political confrontation was peculiar and without historical precedent: people’s use of their reason.*³⁰

Third, and most importantly, it is the medium through which horizontal (within civil society) and vertical (between civil society and the state) communication becomes possible, and in which communicative power can translate into administrative power, providing the state with the legitimacy on which to base its public policies. At the same time, it is the means through which the state can exercise its hegemony, which is however one that is constantly

²⁹ Habermas 1989. op. cit, p. 24. One should recall here Foucault’s insistence that power and resistance could not be separated. See Michel Foucault: The History of Sexuality. An Introduction. (London: Allen Lane, 1979), Chapter One.

³⁰ Habermas 1989. op.cit, p. 27. Emphasis added.

challenged and subject to the rules that govern the public sphere, i.e. the use of reason and the convincing persuasion of the literate public.

Explicitly building on Hannah Arendt's famous demarcation of power from violence, Habermas describes civil society as the prime generator of what he calls 'communicative power', according to which deliberation and action in concert are essential for understanding the *origins* of political power, though by no means the *exercise* or *use* of power. For Arendt, '[p]ower corresponds to the human ability not just to act but act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together.' In Habermas's view, Arendt thereby identifies the roots of power in uncoerced communication; she grasps the centrality of 'the consensus-achieving power of communication aimed at mutual understanding'. ... Communicative power constitutes a 'scarce good,' which state administrators rely on, but are unable to produce on their own.³¹

Despite the fact that Habermas's normative political theory is not directly a paradigm for the analysis of political systems, it is of crucial importance for this thesis because it focuses on the possibility of state - civil society interaction within the public sphere. It responds to the question how political change, initiated by organisations of civil society, can be both possible and understood. If 'communicative power' constitutes a 'scarce good' that is needed by state administrators, and if it is 'available' through civil society's engagement in the public sphere³² and through its initiation of discourses, then the state's engagement in this public sphere and its appropriation of these discourses can be regarded a possible outcome. The question, as to which shape this may take, becomes an empirical matter that this thesis aims to address. Such a model, moreover, allows for the possibility for political change for the following reason: through the state's engagement in the public sphere, the state subscribes to the mode, comprehensibility, with which the public sphere works. In the words of Habermas,

³¹ William E Scheuerman: 'Between Radicalism and Resignation: democratic theory in Habermas's *Between Facts and Norms*' in Peter Dews (ed): Habermas: A Critical Reader (Oxford: Blackwell Publishers, 1999), p. 157.

³² Habermas 1996, op.cit. p. 367.

the political influence that the actors gain through public communication must *ultimately* rest on the resonance and indeed the approval of a lay public whose composition is egalitarian. The public of citizens must be *convinced* by comprehensible and broadly interesting contributions to issues it finds relevant. The public audience possesses final authority, because it is *constitutive* for the internal structure and reproduction of the public sphere the *only* place where actors can appear. There can be no public sphere without a public.³³

Therefore, as an ideal type, it is this comprehensibility that constitutes the ‘power of the better argument’ in this public zone. It is consequently characterised by its resistance to direct power relations (governmental and economic) and can be called a zone free of power. Despite the possibility of dialogue that evolves in this model, the oppressive character of the public sphere remains an empirical question, and may have important consequences. “The structures of a power-ridden, oppressive public sphere exclude fruitful and clarifying discussions. The ‘quality’ of public opinion insofar as it is measured by the procedural properties of its process of generation is an empirical variable.”³⁴

1.2.4 Civil society and the public sphere: a working definition

Resulting from the foregoing discussion, civil society may be defined as the sphere of human interaction between the state and the family, in which private citizens act on behalf of public issues, through which they constitute and shape the ever changing borders of, and discourses within, the public sphere. This means that private persons commit themselves to public issues and policies (voluntarily), issues by which they had only been indirectly affected. It is a sphere of what many authors have named “uncoerced human association”³⁵ which is taken to mean *the absence of direct vertical power relations*, such as political (political parties, the state), or economic power.³⁶ For the purpose of

³³ Habermas 1996, op.cit. p. 364.

³⁴ Ibid. p. 362.

³⁵ for instance Michael Walzer: ‘The idea of Civil Society, A Path to Social Reconstruction’ in *Dissent*, Vol. 38, No. 2, Spring 1991, p. 293.

³⁶ see also Robert Putman: *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), 167-176.

this thesis, this is an ideal type of a 'zone free of power' although certain qualifications with regard to Habermas's use of this concept, based on linguistic encounters, the use of language and reason, evolving from the patriarchal family in Bourgeois society, apply. Nevertheless, Habermas's definition of civil society also includes these zones free of power: Civil society's "institutional core comprises those non governmental and non-economic connections and voluntary associations that anchor the communication structures of the public spheres in the society component of the lifeworld."³⁷ It is not necessarily in opposition to the state, which is, for instance, put forward by Bayart, who defines civil society "as society in relation with the state... in so far as it is in confrontation with the state."³⁸ To include this in the definition would not only impair the analytical validity of this study for reasons explained above, but also require a sharp division between the constituents of civil society and the state, an assumption of doubtful empirical validity. However, through private individual's engagement in public issues, they relate to the state and its decision-making capacity as the central organ that shapes public life.

This broad definition needs to be more focused for the purpose of this thesis. First of all, informal organisations shall be excluded in order to focus only on those associations that have an identifiable position *in the public sphere*. This is in line with the general use of the concept of civil society, where most current analysts, scholars, and donors agree to define *formal organisations* between private life and the state as the constituent elements of civil society. Second, the issue of 'new' associations is related to their structuring according to power relations and to their position in the public sphere. As ideal types, it is understood that 'new' organisations, in contrast to 'old' ones, are less and less structured in relation to dominant modes of power, and therefore more and more independent and autonomous. At the same time, 'new' associations have an identifiable position in the public sphere, where they participate - in an abstract sense - in the public sphere as readers, discussants, promoters of special interests,

³⁷ Habermas, 1996, op.cit. p. 366.

³⁸ Jean-Francois Bayart: 'Civil Society in Africa' in Patrick Chabal (ed): Political Domination in Africa: Reflections on the Limits of Power (Cambridge: Cambridge University Press, 1986) p. 111.

organisers of debates and demonstrations, critics, etc. This is an important aspect, as it covers the relation between civil society and the state: those associations are not in opposition *per se* but through their participation in the public sphere, they act as catalyst for society's identification of new values that have been misrepresented, marginalised, or oppressed by the state. On the other hand, those organisations that are not active in the public sphere in this sense, and that have no interest in participating in the public sphere, cannot possibly shape the political content of the state. They therefore do not represent a unit of analysis for this study. Third, 'new' organisations' actions are 'self-limiting' concerning their target of action in the sense that Arato and Cohen used the term. This means that they are 'single issue' organisations, and do not aim at changing the *political* status quo. According to Arato and Cohen,

Our presupposition is that the contemporary movements are in some significant respects "new." What we have in mind, above all, is a self-understanding that abandons revolutionary dreams in favor of radical reform that is not necessarily and primarily oriented to the state. We shall label as "self-limiting radicalism" projects for the defence and democratization of civil society that accepts structural differentiation and acknowledge the integrity of political and economic systems.³⁹

Hence, these organisations are considered to be in a meaningful way 'new' which does not only relate to their recent appearance. In a country such as Morocco, the 'self-limiting radicalism' means that these 'new' groups of civil society do not aim to gain state-power *per se*, nor do they necessarily seek to change the *exercise of power*. Instead, they seek to participate in the public sphere in order to cease the exclusive definition of the public sphere by dominant power structures. This happens in terms of its contents, its agenda and its boundaries. It is the purpose of this thesis to show that the delineation between and categorisation of 'old' and 'new' organisations in the public sphere is a valid one, from which results important implications for political change. As I will discuss below, this alters the state's *hegemony* in the public sphere, such as the state's pretension to be the ultimate provider of the 'general good.'

³⁹ Arato and Cohen , 1992. op.cit. p. 493.

1.3 The State

After having defined civil society and the public sphere, it is important to define the other core concept of this thesis: the state. According to Max Weber, “a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”⁴⁰ As a working definition, Ayubi states that “the state can be said to be an abstract construct that connotes the ensemble of institutions and personnel that possess the exclusive right to public power (or to the legitimate use of force) within a certain territorial society.”⁴¹ As a legal abstraction, it connotes exclusive authority (sovereignty), domestically over a certain territory with its inhabitants, and externally, vis-à-vis other states. Internally, the state uses the government and the administrative apparatus, to exercise this authority.

According to Mann,⁴² a distinction must be made between the administrative apparatus and the political élite. The political élite represents a dominant social group and carries out its actions by exercising its authority over the administrative apparatus. As Desrues and Moyano remark, in consolidated liberal democracies, there usually exists a formal separation between both branches of the state: the administrative apparatus is characterised by its permanence and is subject to bureaucratic procedures guided by Weberian-style bureaucratic rationality. The political élite, represented by the government, is contingent and subject to the political logic of those who hold power, and its continuity depends upon results obtained at the ballot box.⁴³ By contrast, in Morocco, this clear distinction does not exist. The presence of the monarchical system, the *makhzen*, means that the two branches of state are not clearly separated, producing the subordination of rational-legal legitimacy (dominant in Western states) to tradition-oriented legitimacy. Accordingly, the élite that controls the *makhzen* system holds ‘despotic power,’ controlling the

⁴⁰ Cited in Nazih Ayubi: Over-stating the Arab State. Politics and Society in the Middle East (London: Tauris & Co, 1995) p. 5.

⁴¹ Ibid. p. 30.

⁴² M. Mann: ‘The Autonomous Power of the State: Its Origins, Mechanisms and Results’, in European Journal of Sociology, No. 25, 1985, pp. 185-213.

bureaucratic-administrative and infrastructural power and therefore the state's central powers.⁴⁴ In consequence, there is a close identification between 'government,' 'state' and the 'régime,' the latter being identical with the *makhzen*, i.e. a form of government. Nevertheless, a certain distinction should be kept in mind between the three terms:

Regimes are more permanent forms of political organization than specific governments, but they are typically less permanent than the state. The state, by contrast, is a (normally) more permanent structure of domination and coordination including a coercive apparatus and the means to administer a society and extract resources from it.⁴⁵

Following Tripp, the neo-patrimonial form of the "state as hierarchy" has been the manner in which a certain kind of rule had reproduced itself in the Middle East, regardless of the changing personnel of the government itself.⁴⁶ This also supports the view in which government personnel and the character of the state are viewed as a result of a certain régime type, which is, in Morocco, the monarchical system, the *makhzen*. This resembles Max Weber's concept of patrimonial rule, which Weber defined as traditional domination supported by an administration and a military force that are purely personal instruments of the master.⁴⁷

In spite of this, Roger Owen warns that although the term *state* "carries with it multiple associations of thingness, or Leviathaness, encouraging us to think of it as a single entity, of it 'penetrating' something called society, of *it* having capacities, of *it* inhabiting a different area of space from the people it seeks to manipulate and control," its "reality ... is much more complex, more fluid and

⁴³ Thierry Desrués and Eduardo Moyano: 'Social Change and Political Transition in Morocco' in *Mediterranean Politics*, Vol. 6, No. 1, Spring 2001, p. 28.

⁴⁴ Ibid. p. 28.

⁴⁵ Robert Fishman 'Rethinking State and Regime: Southern Europe's Transition to Democracy,' in *World Politics*, Vol. 42, no. 3, April 1990.

⁴⁶ Charles Tripp: 'States, Elites and the 'Management of Change'' in Hassan Hakimian and Ziba Moshaver: *The State and Global Change* (Richmond: Surrey, Curzon Press, 2001), p. 220.

⁴⁷ Max Weber: *Economy and Society* Vol I. (Berkely, Los Angeles: University of California Press, 1978), p. 231-232.

much more difficult to conceptualise.”⁴⁸ This gives rise to a framework of state-civil society relations, which I address in the following subsection, based on the notion of hegemony.

1.4 Hegemony

In a Gramscian sense, ‘hegemony’ is the means through which the state exercises its domination outside the direct use of coercion. According to Buci-Glucksmann,⁴⁹ the notion of hegemony is much larger than Marxist notions of ‘ideology’ or the Weberian problematic of mechanisms of legitimacy that combine violence with ends of social integration. Closely connected to legitimacy, in the case of successful hegemony, a class leads forward the whole of society. Its ‘attraction’ for the allied classes is not passive, but active, which means that in the case of ‘successful hegemony’ allied classes or segments of society actively consent to the policies undertaken by the state, and to the nature of the state itself. Therefore, hegemony does not depend on simple mechanisms of administrative coercion or constraint, and neither on Althusser’s notion of “mechanisms of ideological imposition,”⁵⁰ nor on legitimisation by symbolic violence (Bourdieu)⁵¹. “Rather, from the moment hegemony becomes simply the backing for violence, or even worse, is only obtained by violence (the case of fascism), this hegemony is in fact no longer assured.”⁵²

To be precise, the question that the concept of hegemony can help address is that of the state’s involvement in the public sphere. The public sphere is not in

⁴⁸Roger Owen: ‘State and Society in the Middle East’ (Plenary address to the Twenty-third Annual Meeting of the Middle East Studies Association of North America, Toronto, 15-18 November 1989, cited in Philip S. Khoury and Joseph Kostinger: ‘Introduction’ in Tribes and State Formation in the Middle East (Berkely and Los Angeles: University of California Press, 1990), p. 6.

⁴⁹Christine Buci-Glucksmann: Gramsci and the State. Translated by David Fernbach (London: Lawrence and Wishart, 1980), p. 56.

⁵⁰Louis Althusser: ‘Ideology and Ideological State Apparatus (Notes Towards an Investigation)’ in Louis Althusser: Essays on Ideology (London and New York: Verso, 1984), pp. 1-60.

⁵¹L. Addi: ‘Violence Symbolique et statut du politique dans l’œuvre de Pierre Bourdieu’ Revue Française de Science Politique, Vol. 51, No. 6, December 2001, p. 950.

⁵²Christine Buci-Glucksmann, 1980, op.cit. p. 56.

any way 'neutral,'⁵³ but the social space where the state discursively lays claim to hegemony in an ideological and institutional sense. The state's successful hegemony, however, depends on the active 'attraction' of allied segments of society and ultimately their participation in the public sphere (whether they are social classes or other social groups is of secondary importance), which cannot be sustained or produced by the means of coercion. Consequently, 'attraction' is a key variable in the state's involvement in the public sphere in order to sustain its hegemony. In the absence of such 'attraction,' other social groups of civil society might counter the state's claims to hegemony and try to become hegemonic themselves, i.e. they try to forge an alliance of groups and/or ideas that counters the content of the state and the social ideas/ideology/practices that this content involves. This may take two forms: a challenge of the state or a challenge of the state's claim to hegemony through social group's participation in the public sphere. In Arato and Cohen's sense, the former can be seen as another way of formulating 'revolutionary dreams,' the latter can be regarded as the empirical basis of the 'self-limiting' character of 'new' social groups of civil society.⁵⁴

From the foregoing discussion, it follows that civil society and hegemony are closely connected, because groups in civil society ultimately provide for the state's hegemony. This 'provision' may take various forms: the support of one sector vs. the challenge of another sector, of which the result would be a certain equilibrium. Another possibility would be a discursive hegemony vs. a discursive marginalisation, which would correspond to hegemony of one part of civil society and the marginalisation of another part. A third alternative may be a complete void or absolute hegemony, corresponding to the complete lack of hegemony as in a complete military dictatorship based on coercion alone or the complete support of an active civil society, such as in Plato's *Republic*. Whatever its actual historical relationship, a certain congruence between the

⁵³ An idea that is sometimes connected with Habermas's concept of the public sphere. See Seyla Benhabib: 'Models of public space. Hannah Arendt, the Liberal Tradition, and Jürgen Habermas' in Craig Calhoun (ed): Habermas and the Public Sphere (Cambridge, Mass: The MIT Press, 1992), pp. 69-101, Nancy Fraser: Unruly Practices. Power, Discourse, and Gender in Contemporary Social Theory (Cambridge: Polity Press, 1989), Chapter Six.

⁵⁴ Cohen and Arato (1992). op.cit. p. 493.

‘organisational form’ of civil society and the form of hegemony will always be maintained. The participation of ‘new’ groups of civil society in public spheres, as zones free of power, or the creation of these zones free of power if public spheres had hitherto been structured by direct power relations, consequently causes an altering hegemony of the state.

1.5 The Thesis of Civil Society and the Thesis of Neo-Patrimonialism

The hypothesis of civil society, as proposed in this thesis, challenges some of the core aspects of the theory of neo-patrimonialism. Max Weber defined patrimonial rule as traditional domination supported by an administration and a military force that are purely personal instruments of the master. In contrast to traditional domination, the master’s authority does no longer appear as a pre-eminent group right, but it turns into his personal right, which he appropriates in the same way as he would any ordinary object of possession.⁵⁵ By controlling the means of coercion, the ruler can broaden the range of his arbitrary power and put himself in a position to grant grace and favours at the expense of the traditional limitations of patriarchal and gerontocratic structures.⁵⁶ In Weber’s thought “[u]nder patrimonialism, the official has a personal dependence on the ruler, whereas in feudalism the relationship is one of fealty.”⁵⁷ Bendix suggested the following distinction between the two concepts

Feudalism is domination by the few who are skilled in war; patrimonialism is domination by one who requires officials for the exercise of his authority. A patrimonial ruler is in some measure dependent upon the good will of his subjects.... Patrimonialism appeals to the masses against the privileged status groups; not the warrior-hero but ‘the good king’, the ‘*father of his people*’, are its prevailing ideals..⁵⁸

⁵⁵ Max Weber: Economy and Society Vol I, (Berkeley, Los Angeles: University of California Press, 1978), pp. 231-232.

⁵⁶ Ibid, p. 232.

⁵⁷ Bryan Turner: Weber and Islam: A Critical Study (London and Boston: Routledge and Kegan Paul, 1974), p. 78-79.

⁵⁸ Reinhard Bendix: Max Weber: An Intellectual Portrait (London: Methuen, 1966), p. 365. Emphasis added.

For Sharabi, the central feature of his concept of neo-patriarchy, as a social-political phenomenon, explicitly applied to Middle Eastern society is

the dominance of the Father (patriarch), the center around which the national as well as the natural family are organized. Thus between ruler and ruled, between father and child, there exist only vertical relations: in both settings the paternal will is the absolute will, mediated in both the society and the family by a forced consensus based on ritual and coercion. Significantly, the most advanced and functional aspect of the neopatriarchal state (in both conservative and “progressive” regimes) is its internal security apparatus, the mukhabarat. A two-state system prevails in all neopatriarchal regimes, a military-bureaucratic structure alongside a secret police structure, and the latter dominates everyday life, serving as the ultimate regulator of civil and political existence. Thus, in social practice, ordinary citizens not only are arbitrarily deprived of some of their basic rights, but are the virtual prisoners of the state, the objects of its capricious and ever-present violence, much as citizens once were under the classical or Ottoman sultanate. ... [T]he neopatriarchal state, regardless of its legal and political forms and structures, is in many ways no more than a modern version of the traditional patriarchal sultanate.⁵⁹

Sharabi considers the patronage system, consisting of the distribution of favour and protectionism, as the core feature of neopatriarchy. The central function that the patronage system is fulfilling, is that of mediation, which “secures the protection and material interests of the individual and the groups, including the lowest members of the group, strengthens the latter’s sense of identity and cohesion.”⁶⁰ The stability of the system stems from the fact that everybody involved in it stands to gain: According to Sharabi, these are the supplicant, the bestower of favour, and the go-between as well. “Still, the one who stands to gain most is the bestower of favor, the one who has the power and the wealth, enabling one to be generous.”⁶¹ Those who seek help from the state and its laws discover that the state does not provide an individual with either justice or protection. In this system, “[n]eopatriarchal patronage, as it displaces legality and renders public institutions superfluous, takes away the individual’s

⁵⁹ Hisham Sharabi: *Neopatriarchy. A Theory of Distorted Change in Arab Society* (New York: OUP, 1988), p. 7.

⁶⁰ *Ibid.* p. 46.

⁶¹ *Ibid.*

claim to autonomous right.”⁶² In this context, Sharabi confirms that “the concept of social contract is inconceivable. Society in actuality is only subject to the will of the rich and powerful, a will delimited only by material capacity and institutionalized ethical injunction. The law serves not the society but the established sociopolitical order; *crime* is not distinguished from *sacrilege* or *rebellion*; and punishment is intended not to reform but to restore the sanctity of the law and to safeguard existing social relations.”⁶³

Conceiving state-civil society relations in terms of neopatriarchy renders impossible the task of accounting for civil society as anything but that of a dependent, impotent body of organisations without any autonomy to introduce political discourses on whatever subject. Everybody in the system seems to have an interest in preserving the status quo, and institutions are reduced to empty secondary shells of primary relations based on primordial links consisting of families, tribes, religious orders, etc. The whole system has a clear tendency towards immutability, as “in putting conformity above originality and obedience before autonomy, it crushes creative talent and encourages only those power that help to maintain it.”⁶⁴

Consequently, the argument that the theory of civil society and the public sphere contains, and how it is applied in this thesis, runs against the notion of neopatriarchy, as it is based on discursive autonomy. This changes the system and the status quo, including the privileges of status groups that have gained a central position in the system of patronage. In Morocco, as I will show in Chapter Three, although this system seemed to be very efficient and effective until the mid 1980s, it did not prevent the establishment of an independent public sphere. This suggests that there is still some amount of discursive freedom in a neo-patrimonial order, and that discursive freedom might even be a part of the order itself. This signifies that the neo-patrimonial leader constantly redefines the limits of discourses and discursive freedom. This accounts for a certain fluidity of state-society relations and this is understood as a process, in which a plurality of social actors participates.

⁶² Ibid.

⁶³ Ibid. p. 47 original italics.

⁶⁴ Ibid.

1.6 Methodology

In order to analyse social actors' interaction with the state in the empirical part of this thesis (Chapters Three to Six), it has been necessary to undertake a significant number of personal interviews with representatives of these organisations, state-officials, parliamentarians, politicians, state-ministers and Royal advisors (forty-seven in total). Moreover, apart from literature research, I conducted a significant number of newspaper analysis and surveys. In order to do this, I spent six months in Morocco. I applied semi-structured interviews in French, which is an official language in Morocco. Therefore, French was fluently spoken by all of my interviewees. I noted down my interview partners' responses in writing, in order to avoid the use of tape-recording that might have inhibited free discussions.

In order to find a degree of measurement of state-civil society interaction (and structures of discourses), three different newspaper-analyses (for human rights, Berber right, and women's rights) have been used in Chapter Six. The collection of articles has been based on what Moroccans interested in these topics, had collected themselves.

The collection of material (newspaper articles, interviews, and unpublished papers) has been subject to the contingencies of research practice. This meant that the material that I collected (except for published work) had been subject to meeting the right person at the right time, the right newspaper bought and read when some relevant information was contained, etc. In the research environment that my research question implied, a systematic approach has not been possible.

The choice of organisations examined resulted from the effort of identifying actors that are active in the public sphere, that claim a political role and that are recognised in Morocco as playing such a role. The collection of one million signatures in 1992, for instance, makes the *Association Démocratique de la Femme du Maroc* (ADFM) a political player. The same applies to the *Manifeste Berbère* of March 2000 and to the Berber movement around the academic

Mohamed Chafik. Clearly, this coincides with the French speaking urban élite, which is the focus of this thesis. As it has been attempted to identify new political actors that are active in the public sphere and that come from civil society, it seems clear that, primarily, urban based organisations constitute this thesis's research object.

Similarly, the use of francophone newspapers in the newspaper analyses in Chapter Six corresponds to the reading habits of the French-speaking urban élite. The sources of the samples chosen vary and I did not control the selection of the samples myself. However, the use of uncontrolled samples for the analysis can be justified in the following way: those who chose to collect a particular sample did so because of their general interest (as journalists, as academics, as ministerial officials) and not because they intended to analyse the material from a certain perspective. Hence, I did not use newspaper articles that were collected by myself because - obviously - my sources are subject to my interest in civil society as a participating observer, and therefore using these sources would only reflect my interest as a researcher.

All French quotations used in this thesis have been translated by myself. All Arabic words have been transliterated in the same way as these words are commonly transliterated in the literature, i.e. simplified versions such as *bay'a*, *'ulema* and Mohamed have been used throughout this thesis.

1.7 Outline of the Thesis

Chapter Two conducts a literature survey, showing that the main body of literature has not been able to show in how far organisations and actors of civil society had contributed to political change. It will be argued that this was due to the lack of adequate analytical tools, and due to these contributions' relatively early publication.

Chapter Three is concerned with the structure of civil society and the public sphere until 1984. It explores the first part of the argument, namely that historically, organisations of civil society had been subject to power relations.

and that this had inhibited their free activity and success in the public sphere. This accounted for a certain articulation between power structures and the public sphere. In order to show that this was the case, case studies will be used to illustrate civil society's relations to power structures, and these organisations' ensuing failure to act on behalf of their specific interest / purpose.

The main analysis of the thesis follows in the ensuing three chapters. The purpose of Chapter Four, which is concerned with changes that happened between 1985 and 1993, is to illustrate that associations of civil society started to question their previous link with power structures. The concept of the public sphere is used in order to suggest that an increasing autonomy and declining articulation with established power relations has been characteristic of this period. Section One will illustrate the changes of strategies towards a 'self-limiting framework' and increasing participation in the public sphere. Section Two will illustrate the state's 'positive' responses to this change of strategies. Section Three will explore other factors that had changed the state's changing attitudes towards these 'new' organisations of civil society.

Chapter Five, taking up the thread of analysis from Chapter Four, first of all discusses the political and economic context in the 1990s. It will then be analysed how different sections of civil society have evolved since 1993, in order to show the diversity of strategies that have been developed. Using the specific case study of social mobilisation during a repressive anti-corruption campaign in Section Three, it will be illustrated that this has engendered increased private participation in the public sphere, which had the impact of challenging the state's hegemony.

Chapter Six discusses the reactions of the state to this challenge to its hegemony. Two sets of reactions will be identified: 'discursive' and 'strategic' reactions. Section One discusses the discursive reactions of the state, aiming to illustrate the state's interaction with Berber, human rights and women's rights discourses. With the help of quantitative data, its aim is to illustrate that the reaction of the state depended on a particular discourse's representation and features. Section Two will then focus on the state's 'strategic' reactions. These

will be identified as boundary setting, co-optation and integration. It will be argued that all these strategies have allowed for a particular discourse's rationality to directly interact with the state, through which political change and increased private citizen's participation have become visible for many domestic observers.

The conclusion will relate the summary of the empirical work with the theoretical issues that have been discussed in Chapter One. In Section Two, it will be argued that the state's changing hegemony is the most important issue that has made political change a real existing issue for many domestic Moroccan actors, and that this has been the major outcome of civil society's increased participation in the public sphere. Furthermore, it will be pointed out that it is the state's articulation and interaction with developing public spheres, which, depending on a particular discourse that is expressed there, either inhibits or furthers the state's hegemony. Section Three finishes with further research proposals, and emphasis is put on the need of studying particular, historical forms of public spheres.

CHAPTER TWO: CIVIL SOCIETY IN MOROCCO LITERATURE SURVEY

There have been quite a number of publications that deal with civil society in Morocco. The earliest contribution dates from 1989. This is Ahmed Ghazali's 'Contribution à l'analyse du phénomène associatif au Maroc'.⁶⁵ It was the first acknowledgement of a new phenomenon, that of the *mouvement associatif*, which the author analysed in terms of the Moroccan judicial framework, quantitative aspects, and the lack of independence of many of the associations to both the state and the political parties of the opposition. He observes that the liberty of association - despite the liberal character of the *dahir* (decree) of 1958⁶⁶ - was curtailed in modifications in 1973. This new *dahir*⁶⁷ stipulated that each new association must produce a declaration ('déclaration préalable') at the Interior Ministry, which in turn must provide the association with a 'legal receipt.' Failing to do so would render the activities of an association illegal. In practice the 'déclaration préalable' (still in practice) meant that the authorities could effectively ban associations through the withholding of a 'receipt', no association being able to prove that it had filed its declaration. Still, between 18,000 and 30,000 associations were already active in the late 1980s, most of which were in the field of sport and youth.⁶⁸

In 1992 Nourredine el Aoufi edited a volume called *La Société Civile au Maroc*⁶⁹ in which the Moroccan scholar Abdallah Saaf⁷⁰ wrote a frequently quoted chapter called 'L'hypothèse de la société civile au Maroc.' For Saaf, the very structure of Morocco's society prevents the existence of civil society. This is because organisations that might make up for civil society are divided. These are (1) associations of administrative élites, (2) political parties, labour unions,

⁶⁵ Ahmed Ghazali: 'Contribution à l'analyse du phénomène associatif au Maroc'. In *Annuaire de l'Afrique du Nord*, Vol. 28, 1989. pp. 243-260.

⁶⁶ Royaume du Maroc: 'Dahir du 15 November 1958,' *Bulletin Officiel*, 27 November 1958.

⁶⁷ Royaume du Maroc: 'Dahir du 10 April 1973.' *Bulletin Officiel*, 11 April 1973.

⁶⁸ Ghazali, op.cit. p. 249-251.

⁶⁹ Nourredine el Aoufi (ed.): *Signes de Present: La Société Civile au Maroc*. (Rabat: Signes de Present, 1992).

professional associations, and (3) mystical sects and religious associations. In his opinion “the nature of Moroccan society is such that in its globality, it seems to rebel against the currents of emancipation and hinders the constitution of spaces of freedom in its place. In effect, non-movement and immutability are the main features of this social and political universe in Morocco.”⁷¹ A new dynamic, however, had been taken place. External forces, such as the end of the dominance of the development state, meant the end of patron-client relationships and the distribution state, which are, according to Saaf, the very basis of power of the Moroccan state. However, the consequence of this is not the appearance of civil society, as this is regarded as a quality beyond the sheer activity of associations.⁷²

Associative life and civil society are not linked for either Ahmed Ghazali or Abdallah Saaf. Both authors define civil society as a quality of a society, which successfully resists the overarching power of the state. As this does not seem to be the case in Morocco, the hypothesis of a ‘birth’ of civil society is dismissed. This is the reason why Saaf, for instance, categorises associations in two major groups, in which independent associations’ *absence* from the public sphere is the most important feature:

- cultural associations which are based on the state’s centres of decision making and which benefit from easy access to information and the mass media;
- and .. cultural associations that are either close to a political party or represented by other insignificant formations [par cette nuée de formations aux objectifs divers], which do not represent real challenges, because their audience remains limited. This is because of their discrete character and their evolution, or the silence which embraced the cultural question, which they tried to promote. Most of the time, their autonomy is beyond doubt, but they seem like conjunctural phenomena, whose significance seems problematic.⁷³

⁷⁰ Saaf is himself a politician in the PSD and he was, in a preceding government, the Minister of Education.

⁷¹ Abdallah Saaf in Nourredine el Aoufi (ed.): Signes de Present: La Société Civile au Maroc. (Rabat: Signes de Present, 1992). p. 14.

⁷² Ibid. p. 22.

⁷³ Ibid. p. 23.

Moreover, both authors are guided by assumptions of external changes (the end of the distribution and development state) that have caused certain changes in the relationship of state and civil society. Ghazali does not view internal dynamics of associations as a factor in its own right, but rather sees in their activity the result of state and public sector strategies:

Their democratising potential of society is largely limited. When they are encouraged, it is because they allow to direct voluntary activity...towards secondary or complementary activities of the administration. If they are tolerated, it is because their aims are not opposed to or do not interfere with those of the public administration [*pouvoir public*]. They are not a moving force of any kind of concerted and active will to influence or to seriously bend the orientation, the technical decisions or the public policies of their respective spheres of action.⁷⁴

The main limitation of both attempts to place Morocco's civil society, the *mouvement associatif*, in the wider civil society debate results from its absence of a theoretic framework in which groups of civil society are either the cause or the effect of anything else. This can be regarded a consequence of the relatively early publication of both texts, which were accordingly unable to focus on those groups, which had just started to become active, and whose existence needed explanation.

In 1995, Denoeux and Gateau published an article called 'L'Essor des associations au Maroc: à la recherche de la citoyenneté?',⁷⁵ It is the first analysis that takes into account the dynamism of civil society associations of the mid 1990s, but it focuses on the question of whether Morocco was to experience a new citizen's involvement. Hence, even though a certain dynamism certainly exists,

must we conclude ... that these NGOs are about to succeed where the other political formations have failed, that is, to serve as an emerging vector of real citizenship in Morocco? Is this movement really a sign of the Moroccan people's will to mobilise itself and

⁷⁴ Ghazali, op.cit. p. 252.

⁷⁵ Guillaïn Denoeux and Laurent Gateau: 'L'Essor des associations au Maroc: à la recherche de la citoyenneté?' In *Monde Arabe, Maghreb-Mashrek*, No. 150, Oct-Dec 1995.

to face the economic and social challenges, which are confronting the country? Is it a sign of important social classes, which demand their right to change their status from that of subjects to that of citizens?⁷⁶

The authors remain sceptical. However, as in this study, they note the role that the state had started to play in building a discourse around this new phenomenon. Already in the early 1990s, the dynamism of NGOs was considered by government spokespersons as an additional sign of the country's serious commitment to democratisation. The creation of 'free space' that these NGOs could occupy illustrated moreover the state's ostensible will to allow more autonomy to social groups and their representatives. For the authors, with the dynamism of NGOs being supported by the régime, this new phenomenon might even be considered a modernisation of the *makhzen*. The authors analyse the different kinds of associations that exist in Morocco (regional, social-economic, political) and their relation to the state, especially with respect to regional associations that had been created in the 1980s by prominent personalities from the inner-circles of the palace. For instance, the association *Grand Atlas* in Marrakech was founded by Mohamed Midioui, former head of Royal Security and the Interior Minister from 1999-2001. The association *Sauvegarde, promotion, et développement de la ville de Essaouira* was founded by André Azoulay, the King's economic and diplomatic advisor. These Governmental Non-Governmental Organisations (GNGOs) had partly been created in response to donor countries' changing policies of distributing funds to NGOs. Partly, they had been created to integrate new urban élites into the *makhzen*. They thereby acted as recruitment agencies for administrative posts. According to the Denoeux and Gateau, this was becoming even more important due to the increasing urban nature of Moroccan society (since 1990, more than 50 percent of Moroccans live in towns). Morocco's administrative parties⁷⁷ had apparently failed to mobilise new élites in support of the palace.

⁷⁶ Ibid. p. 19.

⁷⁷ Since independence, Morocco has been enjoying a formal multi-party system. In order to counter the challenge of the liberation party *Istiqlal*, the palace quickly responded by creating parties that defined their 'mission' as that of supporting the palace. These parties, created by high-ranking palace personalities, are generally referred to as 'administration parties.'

The actions of the *mouvement associatif* are described in the different areas, and the reactions of the state analysed in terms of *banalisation* and institutional co-optation. In the field of political associations (human rights, women's rights, and Berber rights), the régime - according to the authors - had tolerated the creation of these movements in order to counter the Islamic challenge. It was better to have politically active associations than to have Islamic organisations with extremist orientations. Moreover, in the authors' opinion, the *image de marque*, as seen overseas, had had a decisive impact on the régime's tolerant approach towards these political NGOs.⁷⁸ Domestically, and here Deneoux and Gateau share some aspects of their approach with this thesis, the creation of advisory councils and human rights ministries had been helping the King to change the critical features of the discourse, and to establish the monarchy's supremacy. Using as an example the advisory council charged with the elaboration of reform proposals concerning the family code,⁷⁹ Deneoux and Gateau suggest that

this commission was presented to the public as an example of concertation and dialogue, partly allowing the Sovereign to declare indirectly: "You participated and you gave me your recommendation, which represented the compromise that you had reached. This has served as the base of the reform that I am proposing now. I know that this reform does not answer to all your aspirations, but we cannot go beyond this for the time being."⁸⁰

The authors' main question being whether the *mouvement associatif* corresponds to a rise of citizenship (that is, as defined by both authors in the passage quoted above, a sign of the Moroccan people's will to mobilise itself and a sign of important social classes, which demand their right to change their status from that of subjects to that of citizens), Deneoux and Gateau remain pessimistic. The élite character and the feeling among the poor that this is an activity that the rich engage in largely for themselves, prevent - in the eyes of the

⁷⁸ Ibid. p. 30-31.

⁷⁹ This happened after women's rights associations collected 1 million signatures in 1993 in favour of changing Morocco's conservative, religiously inspired family code.

⁸⁰ Ibid. p. 36.

two authors - the articulation of broad-based participation and thereby the rise of a real sense of citizenship.

Interestingly, analysing the same material as Denoeux and Gateau at the same period of time, Sonja Hegasy draws exactly the opposite conclusion.⁸¹ She analyses the potential of a socio-political opposition from the NGO sector as a manifestation of an abstract sense of citizenship. She views, in the NGO sector, the establishment of a movement (especially the women's rights organisations) that defines itself within a liberal model of tolerance against the totalitarian nature of the Islamic movement and the state. For Hegasy, this is the establishment of civil society, which corresponds to a harmonious counter-movement to the ideological claims of the state. In this analysis, however, the state is left out of the analysis, as are the political parties. Instead, liberal academics and philosophers such as Fatima Mernissi and Mohamed Abed al Jabiri are analysed for their intellectual contribution to this social movement. With handpicked case studies, Sonja Hegasy illustrates the existence of liberal values within the NGO sector, but ignores other conflicting and contradicting aspects of Morocco's civil society, and the state's involvement in establishing and/or changing discourses in the public sphere. This is because Hegasy applies a model of civil society that is based on tolerance, accommodation of difference, acceptance of others, and its Islamic version that focuses on the possibility of *ijtihad*. By doing so, she overlooks the role of the state in establishing discourses, as well as the autonomising tendencies between organisations of civil society and political parties.

The only publication in English is Azzedine Layachi's *State, Society and Democracy in Morocco. The Limits of Associative Life*.⁸² In his opinion, Moroccan associative life is marked by an absence of challenges to the ruler, for the culture of neopatrimonialism had imprinted on Moroccan political culture a

⁸¹ Sonja Hegasy: *Staat, Öffentlichkeit und Zivilgesellschaft in Marokko*. (Hamburg: Schriften des Deutschen Orientinstituts, 1996).

⁸² Azzedine Layachi: *State, Society and Democracy in Morocco. The Limits of Associative Life*. (Washington DC: Centre for Contemporary Arab Studies, 1998).

lack of a notion of citizenship.⁸³ Paradoxically, Layachi defines civil society without linking it to a force of democratisation, but links it to it whenever he discusses some aspect of it. Thus, he defines civil society as a

set of social, economic, cultural and political groupings, distinct and independent from the state, that perform functions of aggregation and articulation of particular interests, and seeks either to influence state decisions or to capture the state itself. In the political sphere civil society checks state arbitrariness while serving as a buffer between state power and private spheres. Finally, civil society is an independent process of mobilization of various interests for change or for the maintenance of the status quo.⁸⁴

On the other hand, his discussion of “obstacles to political liberalisation and democratisation and, thus, to the development of civil society”⁸⁵ illustrates that he relies on a concept of civil society that is paired with that of a force for democratisation. After a discussion of associative life and political parties, he concludes that they had not presented a political movement that tried to alter the political status quo. In the absence of the latter, it follows for him that despite Morocco’s experience with political pluralism, this has not given birth to a viable and vibrant civil society, capable of limiting state power.⁸⁶

Although all three publications give evidence to the ‘new’ dynamic of Morocco’s associative life, they remain captives of their own theoretical assumptions. For Denoeux and Gateau, next to the question of citizenship, the main question is whether the régime’s relative tolerance signifies a real political opening and thereby a real step towards the country’s democratisation, or simply a renewal of and a modernisation of the monarchy and its mode of governance, the *makhzen*.⁸⁷ The underlying assumption is that it is the régime which defines the content and expression of these actors, and instrumentalises groups of civil society to fulfil certain, previously defined purposes within an overall strategy (pseudo-democratic legitimacy, attraction of international funds for

⁸³ Ibid. p. 41-42.

⁸⁴ Ibid. p. 14-15.

⁸⁵ Ibid. p. 42.

⁸⁶ Ibid. p. vii.

⁸⁷ Guillaïn Denoeux and Laurent Gateau, op.cit. p. 20.

development, etc.). Theoretically, political change is off the agenda, because the activities of these ‘new’ actors remain seen within the parameters and as a function of régime stability (or a certain modernisation of the *makhzen*). If politically active associations are allowed to assume a new role, this is explained in a way that is reminiscent of rational choice theory:

[T]he régime had the wisdom not to oppose itself to this dynamic. This concession is understandable in a country in which, since the beginning of the 1990s, urban dwellers have outnumbered the rural population. ...For the régime, it is also better that the aspirations of a new middle class take the form of associations for the defense of human rights or for the promotion of the berber culture than that of small radical groups in favor of religious utopias.⁸⁸

This perspective ultimately continues to view state-civil society relations within a dichotomy model, and does not aim to understand these relations from civil society’s possible intermediary function. The state’s reaction is not put into a theoretical framework of hegemony and seems almost arbitrary, of which the *a posteriori* use of rational choice theory gives testimony.

Layachi’s publication is limited by his inability to capture and analyse discourses that have been initiated by the actors that he analyses. He, therefore, remains analytically restricted in his static model, in which state-civil society dynamics and developments are not examined. The main limitation, however, consists of indirectly linking civil society with democratisation, which is the reason why the author cannot capture independent public spheres and activities *outside* that of directly questioning, and limiting state power.

Similar theoretical limitations apply to Hegasy.⁸⁹ The author’s units of analysis are those liberal-democratic actors that embody “a controlling and corrective function vis-à-vis the state”,⁹⁰ in order to illustrate the existence of a

⁸⁸ Ibid. p. 31.

⁸⁹ Sonja Hegasy: Staat, Öffentlichkeit und Zivilgesellschaft in Marokko. (Hamburg: Schriften des Deutschen Orientinstituts, 1996).

⁹⁰ Ibid. p. 17.

“counterculture.”⁹¹ As a result of the application of this implicit dichotomy model, Hegasy’s analysis of change is limited to the social sphere, and the dimension of political change is not taken into account. From this problem follow other limitations, which this thesis will address. Through the assertion of the establishment of a ‘democratic counterculture,’ in which the establishment of a ‘counter’ public sphere is the most significant feature, Hegasy’s study assumes that democratic change will somehow automatically follow. “The socio-cultural opposition ... has given a counterculture the possibility to assert itself, and it is about to transform this counterculture into a factor of power.”⁹² The assumption of a dichotomy-model, however, prevents a translation of social, liberal values into the political realm, especially as this is connected to a loss of power of the governing élite. Hence, the unit of analysis of political change needs to be altered if a transformation process is described as a possible outcome of state-civil society interaction. If a public sphere is understood by definition as that of a ‘counter’ public sphere, it analytically restricts the state’s access to it. The result is its own isolation, which is the reason why Hegasy asks herself whether Morocco is an illustration of Marcuse’s term of “repressive tolerance,” that is the toleration of marginal groups and discourses that indirectly legitimate a repressive state.⁹³ Consequently, Hegasy’s microanalysis of political culture needs to be complemented by a larger, systems-theoretical approach, in which the public sphere, as a central element of state-civil society interaction is the main unit of analysis for political change. It is the purpose of this thesis to provide such a larger framework, in order to avoid the limitations – use of rational choice theory, unresolved translation from the social to the political, instrumentalisation of group’s activities - which the application of a dichotomy model entails.

⁹¹ Ibid.

⁹² Ibid. p. 230.

⁹³ Ibid. p. 19.

CHAPTER THREE: CIVIL SOCIETY AND PUBLIC SPHERE UNDER THE 'OLD SYSTEM' (~1574- 1984)

The objective of this chapter is to show that historically in Morocco, civil society has been subject to political interests and power relations, which inhibited its articulation in a public sphere. This took different forms under different historical circumstances, and depended on traditional ideological factors, such as the *'ulema*'s relationship with the monarchy, as well as on factors such as élite conflicts after independence in 1956.

This chapter is divided into two main sections. The first section analyses the development of features of Morocco's public sphere in pre-colonial Morocco. Here, I will limit my analysis to the role of Islam, in order to illustrate how the development of a public sphere was conditioned by historical circumstances and political traditions. Although the *'ulema* accounted for the principal carriers of an independent public sphere, its historical role was much more limited. This, I will argue, was essentially because of the absence of a general notion of a *public*, this in itself being a result of the lack of a unified Moroccan entity, an administrative apparatus and corresponding educational requirements such as literacy.

In the second section of this chapter, I will analyse the post-independence political order. More specifically, I will account for the dependence of civil society and the public sphere on the bifurcation of the Moroccan political system between loyalists of the Moroccan monarchy and the so-called oppositional political parties. This, I will argue, has rendered groups of civil society inefficient and dependent, as the power struggle between the two main political formations and the internal élite struggles had atomising effects on groups that were based on the articulation of single issues and particular interests. In this sense, Moroccan-type pluralism was much less plural than it might have seemed, despite the apparent liberal character of the constitutional order, which prohibited the existence of a single party system.

3.1 Section One: Features of civil society in the pre-colonial Moroccan system

This subsection seeks to explain the development of the Moroccan political system within which state-civil society relations existed. Because of the difficulty of historically analysing a contemporary phenomenon such as “civil society and the public sphere,” I will contend myself to an analysis of the central question of whether the act of allegiance between ruler and ruled, which is called *bay'a*⁹⁴ in Moroccan political terminology, had any resemblance with 17th century European social contract theories. It should be remembered that according to the theory of neo-patriarchy as outlined in Chapter One, social contract theories are outside the content of state-society relations as they are based on obedience and patronage. Therefore, it will be analysed whether the *bay'a* and the possibility to withdraw this act of allegiance, as occasionally happened in Moroccan history, accounted for a system in which the religious authorities, the Moroccan *'ulema*, controlled the Moroccan monarch - against the evidence of neo-patrimonial structures. The underlying question is whether the historical evidence suggests that an independent public sphere existed in which some parts of Morocco's population, notably the *'ulema*, participated. This is to examine the central aspect of the thesis, as outlined in Chapter One, that of political change based on zones free of power between the population and the Moroccan state. In terms of Morocco's historical public sphere, which remains the main interest of this chapter, it will be examined whether Morocco's *'ulema*, as an institution, supported the emergence of a public sphere in Habermas's sense, that is a sphere in which the exercise of free will and rationality were the dominant modes of operation. This analysis goes beyond an analysis of traditions and characteristics of political contestation that were established in Moroccan

⁹⁴ The *bay'a* is the act of allegiance that unites the representatives of the people with the ruler. It has been widely used in medieval Islamic countries, and has been seen as an Islamic version of a contract-type democracy. See for instance Marshall Hodgson: The Venture of Islam. Conscience and History in a World Civilization. Vol. II. (Chicago and London: University of Chicago Press, 1973), pp. 347-9.

political thought and practice, and that still influence modern Islamic thinking in Morocco⁹⁵ but it takes these traditions and characteristics as its starting point.

3.1.1 The possibility to express dissent in pre-colonial Morocco

When Morocco gained its independence in 1956, Mohamed Lahbabi published a book entitled *Le Gouvernement Marocain à l'Aube du Vingtième Siècle*. It examined the political system before the imposition of the French protectorate, and argued that the French protectorate had destroyed Morocco's political institutions. It had transformed a system in which sovereignty resided in the community into an absolute monarchy. The book became a testimony of the discussions between conservative and leftist nationalists about the future form of the Moroccan monarchy.⁹⁶ It treats the political system with the vocabulary of the Moroccan political system, i.e. the Sultan, its combination with the caliphate, and the conditions that the caliphate must fulfil. According to Lahbabi, the three essential principles of the Caliphate were (1) that the Caliphate was an investiture, (2) that this investiture was based upon the carrying out of a mission, and (3) that this mission was carried out through the exercise of defined and limited powers. To be a real Caliph, he must be a just ruler and capable of *ijtihad*.⁹⁷ Using historic examples, such as Abd'al Aziz's deposition in 1908, Lahbabi concludes that in Moroccan political thought, this was established tradition.

Indeed, it seems that there are numerous historical examples that give evidence to the possibility that a ruler could be disposed of, which have given place to the idea that civil disobedience and the concept of community's sovereignty were well established in pre-colonial Morocco. The most prominent of these examples is that of al-Yusi's resistance to 17th century ruler, Moulay

⁹⁵ See Driss Kettani: 'La seule autorité religieuse, c'est nous' Interview with Driss Kettani in *Maroc Hebdo International*, No. 433, 26 October – 1 November 2001. Abdellatif El Azizi and Noureddine Jouhari: 'Driss Kettani, un aïeul de père en fils. L'éternel contestataire' *Maroc Hebdo International*, No. 433, 26 October – 1 November 2001.

⁹⁶ Gellner quoted in C.R.Pennel: 'Tyranny, just rule and Moroccan political thought' in *Morocco: Occasional Papers No. 1*, 1994. p. 13

⁹⁷ Mohammed Lahbabi: *Le Gouvernement Marocain à l'Aube du 20ème Siècle* (Casablanca: Editions Maghrébines, 1975), p. 27-28.

Isma'il. In general, the position of the *'ulema* has been summarised by Pennel as follows:

If the Sultan rules justly, preserves order and the safety of the roads, keeps his officers under control so that they do not 'tyrannise' the people, raises taxes in a fair way in accordance with the *shari'a*, and protects the country against attack by outside forces, particularly the Christians, then they have a duty to obey him. If he does not, and fails so manifestly that justice and order are replaced by tyranny, then he can be removed from office. Indeed, on occasion it was argued that it was not only the right of the people – led by the *'ulema* – to remove him, but their duty to do so.⁹⁸

One example is that of the disposal of Sultan Mohamed al-Maslukh. When, in 1575, the Sa'idi Sultan Mohamed al-Maslukh was faced with his uncle's army that had entered Morocco with the help of the Ottomans, he fled Fes leaving the city open to the invaders. As a result, the *'ulema* reversed their allegiance to the benefit of his uncle. In a declaration, Mohamed al-Maslukh demanded that they returned their allegiance to him, not because they did not have the right to reverse their oath of allegiance (*bay'a*), but because they had had no legal reason to do so in this situation.

He declared that they were guilty because they violated his *bay'a* and broke it, and gave the *bay'a* to his uncle, without legal cause. And he said to them: 'I did not call for the help from the Christians until I was deprived of the help of the Muslims'⁹⁹

The *'ulema* replied, stating first of all that the *bay'a* was not his, but that "the people gave you the reins [of authority] and put the halter in your hands." Moreover, the *'ulema* referred to Fes as being 'their city', which, as Pennell remarks, implies that the *'ulema* was as representative of the city and corporal life separate from the political authority of the Sultan. Secondly, by leaving the city, Mohamed al-Maslukh left it open to 'insolent and corrupt people' who attacked the property of the rich: "their harems, wealth, children and the property

⁹⁸ C.R.Pennel: 'Tyranny, just rule and Moroccan political thought' in Morocco: Occasional Papers No. 1, 1994 p. 22.

⁹⁹ quoted in Pennel, *ibid.* p. 24. He returned to combat his uncle with the aid of Portuguese forces, but lost in 'the battle of the three kings.'

that they had earned.”¹⁰⁰ As a result of the attack on the rich, the poor had suffered: “there was no-one left to defend the weak.”¹⁰¹ Consequently, the failure to protect the rich was crucial, because without the wealthy, society could not function. By abandoning Fes, Mohamed al-Maslukh was regarded unfit to rule, and the *‘ulema* concluded that “following [the reasoning] of Abu Laila, the authority belongs to the man who conquers.”¹⁰² Pointing to a saying of the prophet they justified their changing oath of allegiance, explaining “the people, if they remain in a state of anarchy, neglected, with no *imam* over them, should agree on an *imam* and proclaim him and appoint him as the caliph over them, to deal between them justly...”¹⁰³

This illustrates the existence of an autonomous sphere based on religion, in which the power of a ruler could be challenged. In this example this challenge occurred when the power of the Sultan was weak. The arguments put forward are connected with tyranny and civil strife that the lack of the Sultan’s power entailed. The *‘ulema* consisted of the educated and the religiously observant, who had a religious following.

Another prominent example is that of al-Yusi, one of the most famous religious dissidents in Moroccan history. Al-Yusi was regarded as a saint with a significant following in the mid 17th century at the beginning of the Alawi’s rule.¹⁰⁴ He adhered to the *zuwaya* al-Dila that posed the main political counter force to Moulay Rashid, the founder of the Alawi dynasti on the throne. This made him a potential leader of an opposition, because of which he was pursued by the Sultan Moulay Isma’il. Addressing himself to Moulay Isma’il he contended:

Both Arab and non-Arab scholars have agreed that tyranny does not consolidate power, and it will not stand. Only justice will let power stand, and that is true even among the unbelievers. The

¹⁰⁰ C.R.Pennel: ‘Tyranny, just rule and Moroccan political thought’ in *Morocco: Occasional Papers No. 1*, 1994, p. 25

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ The present dynasty.

kings of the lands of unbelief have survived for hundreds of years in kingdoms which are ordered where what they say is listened to, at ease from all disorder when they treated their subjects with justice, and looked to the proper treatment of their earthly possessions. How could a prince who was concerned with this world and with religion do any other?¹⁰⁵

He reinforced his argument by citing Aristotle's warning to Alexander the Great, that justice was the basis of good government. For him, being a just ruler required implementing Islamic law as the religious scholars interpret it. The Sultan must "ask the *'ulema* what to take and what to give."¹⁰⁶ Among Muslims, rulers were obliged to follow the *'ulema*. Moulay Isma'il should follow the council of those *'ulema* who fear God rather than those who fear the Sultan.¹⁰⁷ "With respect to both what we have said and what we have not said, do what they order and shun what they forbid. This is the path to deliverance if God on high so wills."¹⁰⁸

Al-Yusi provided an example of someone who challenged the Sultan even when his power was strong. Hence, the Sultan was challenged, not on the basis of his weakness and civil strife that had given rise to opposition, but on the basis of the lack of justice. It must be noted that al-Yusi's story as recorded by Geertz¹⁰⁹ was commonplace in Morocco. René Brunel remarked with regards to a similar folk-tale story of Sid Muhammad bin 'Isa, that he was presented as "a defender of the weak and the oppressed" and that "the theme of the struggle of a saint against temporal power has always been conducive to the proliferation of multiple legends."¹¹⁰ As to its meaning for contemporary Morocco, Munson notes that

¹⁰⁵ Quoted in Pennel, 1994, op.cit. p. 35.

¹⁰⁶ Quoted in Henry Munson: Religion and Power in Morocco (New Haven and London, Yale University Press, 1993), p. 30.

¹⁰⁷ A similar remark was pronounced by King Hassan II during the opening session of the CCDH, in May 1990, giving them political space to give 'independent' advice to him.

¹⁰⁸ Quoted in Henry Munson, 1993, op.cit. p. 30.

¹⁰⁹ Clifford Geertz: Islam Observed (New Haven and London: Yale University Press. 1968).

¹¹⁰ Quoted in Henry Munson, 1993, op.cit. p. 27. Today, the religious challenging of temporal authority is still commonplace. The Islamic organisation's *Al Adl wal Ihssan* spiritual leader Abdelsalam Yassine is an example. Others continue to be educated in Morocco's religious schools. See *Le Journal Hebdomadaire*, 25-31 Mai 2002 for an overview of new, mostly young, Islamic challengers.

It is true that most Moroccans in the late twentieth century are probably unfamiliar with the epistle to Moulay Islma'il But *all* Moroccans are familiar with its message that a ruler must rule justly or face divine retribution. Regardless of how many people know of al-Yusi's clash with Mulay Isma'il – as depicted in either text or folktale – it embodied ideas that have always had, and continue to have, a direct impact on the way most Moroccans have viewed rulers and those who rebel against them.¹¹¹

The last pre-colonial example presented here in order to examine the possibility of autonomous action outside the sphere of the Sultan is al-Kattani's role in the reversal of the *bay'a* of Sultan Abd al-Aziz in 1908. He was another historical figure that embodied the myth of the righteous-man-of-God who dared to defy an unjust Sultan. He was one of the main figures that tried to give the *bay'a* an explicitly contractual meaning, against the submissive tradition and practice. The fact that he was killed shortly afterwards by the Sultan Abd al-Hafidh should not be taken as a sign of his weakness, but rather as a sign of his strength and ability to lead the masses. The historical events that had led to the disposal of Abd al-Aziz had been closely connected to the French colonial ambitions, which marked a crucial step when the Acts of Algeciras were signed in 1906. Al-Kattani (1873-1909) was a venerated Sufi scholar who became from 1904 to 1909 outspoken against the Sultan's weakness in negotiating with the French. He was certainly not a typical representative of the *'ulema*, not only regarding his activism against the Sultan¹¹² but also for religious reasons. The *'ulema* tried to have him executed in 1896-7, on grounds of heresy.

After the occupation of Casablanca and Oujda that followed the signing of the Acts of Algeciras, al-Kattani was the only *'alim*, who challenged the Sultan's attempts at justifying the French presence in Morocco. However, it was the Sultan's brother, Hafidh, who assembled a crowd in Marrakech, far away from Fes, on 16 August 1907. He asked the crowd to choose another Sultan who would be able to defy the Christian invaders. On being chosen himself and a new *bay'a* issued, the *'ulema* of Marrakech was forced to sign it. The conditions

¹¹¹ Henry Munson, 1993, op.cit. p. 32.

¹¹² As Munson remarks, most other *'ulema* were as servile as usual, saying whatever the Sultan wanted them to say. Munson, ibid. p. 61.

expressed in the *bay'a* included “courage resulting in the protection of the land of Islam and holy war against the enemy.”¹¹³ In turn, the Sultan assembled a group of Fassi *'ulema* in his palace in Rabat, and forced them to issue a *fatwa* condemning the *bay'a* of Marrakech, stating that they did not have any reason to withdraw their oath of allegiance. In January 1908, a similar scene took place, this time however in Fes, with the Fassi *'ulema* being coerced by an angry mob. The mob consisted of peasants, artisans, and the urban poor. The following account from Munson gives important insights into the events of Fes.

On 15 December 1907, peasants swarmed into Fez refusing to pay a market tax imposed by Mulay 'Abd al-'Aziz. Joined by the city's poor, the peasants broke open the strongboxes where the tax revenues were kept and attacked a number of shops, the French post office, and the office of the government's tobacco monopoly. The crowds also tried to pillage the Jewish quarter, but its gates were shut before they could. After two days of this rioting, merchants succeeded in restoring order by means of a makeshift militia composed largely porters and slaves. The sultan's army was absent, having left Fez in September when Mulay 'Ab al-'Aziz had decided he would be safer in Rabat, near French troops and ships.¹¹⁴

In January 1908, an agitated crowd of twenty thousand people escorted some of Fes's most prominent *'ulema* to the al-Qarawiyyin University. They demanded the signature of a petition that would declare that 'Abd al-'Aziz was no longer fit to rule, transferring the *bay'a* to Moulay 'Abd al-Hafidh. This was on the grounds that he had been subservient to the French and had failed to implement the laws of Islam. As had occurred in Marrakech a few months earlier, those who did not want to sign were threatened and coerced. Within thirty minutes, the new *bay'a* was drafted and signed. The distinctive feature, and the reason why this *bay'a* became prominent among constitutionalists within the Nationalist movement, was its contractual nature.¹¹⁵ The new allegiance to

¹¹³ Ibid. p. 67

¹¹⁴ Ibid. p. 69/70. See also Edmund Burke: Prelude to protectorate in Morocco: Precolonial protest and Resistance 1860-1912. (Chicago: University of Chicago Press, 1976), p. 108.

¹¹⁵ See especially Allal al-Fassi's political writings in the 1930s, See John P. Halstead: Rebirth of a Nation. The Origins and Rise of Moroccan Nationalism. 1912-44 (Cambridge MA, Harvard University Press, 1967), p. 55, Mohammed Lahbabi: Le Gouvernement Marocain à l'Aube du 20ème siècle. (Casablanca: Editions Maghrébines, 1975), p. 27-28, also Allal al-Fassi: The

Abd al-Hafidh was contingent on his acceptance of a number of specific conditions. These were the liberation of the territories occupied by France, the elimination of all European interference in Moroccan affairs, the duty to consult the people with respect to negotiations with foreign powers, the elimination of non-Koranic taxes, and the protection of the traditional prerogatives of the *'ulema*. Although the conditional character had always been implied in preceding *bay'a*, these conditions had never been as explicit. Hence, as Munson observes, some *'ulema* objected to the *bay'a* on the grounds that "conditions cannot be imposed on kings", thereby recognising the *bay'a*'s revolutionary aspect in the context of Moroccan history. Apparently, it was al-Kattani who had been the leading force behind the conditionality of the *bay'a*. He declared that "there is no benefit to be expected from this revolution if the *bay'a* of the commander of the faithful is not tied to conditions that implement the goals of the *'umma*."¹¹⁶ Although Abd al-Hafidh was the person profiting from the new *bay'a*, he became furious when he heard about the conditions that were imposed on him. In his opinion, the conditions diluted his power and hindered his ability to govern. The frightened *'ulema* immediately disavowed the conditions, and blamed them on al-Kattani, insisting that he had forced them to accept them. With the new Sultan's inability to resist the French forces, the strained relationship between al-Kattani, the most powerful man in Fes, and the Sultan worsened. In spring 1909, al-Kattani left the city of Fes for the Middle Atlas to start a revolt and a holy war against the French. He was subsequently captured by the Sultan's soldiers, brought to Fes, flogged to death and buried in the middle of the night.¹¹⁷

3.1.2 Religious dissent

These three historical examples illustrate the limits of religious dissent and the role that the *'ulema* played in establishing public spheres. Its role was neither purely integrative nor purely oppositional, and it served neither to protect individual nor group rights from the monarch's intervention. In two of the three examples, the resistance and political force represented by an individual *'alim*

Independence Movement in Arab North Africa Translated by Hazem Zaki Nuseibeh (Washington D.C. American Council of Learned Societies, 1954), p. 86.

¹¹⁶ Munson, op.cit. p. 72.

resulted directly from the political trouble that the absence of clear sovereignty had brought. The signing of the Acts of Algeciras and the French presence in the main Moroccan cities in the early 20th century resembled the abandoning of Fes in the 16th century by Mohamed al-Masluhk. Leaving the city or the country open to foreign invaders or worse, civil strife (*fitna*), were seen as primary reasons that legitimated the disposal of a ruler. His primary task was, after all, the protection of the Islamic *'umma*. Significantly, as in the 16th century example, in December 1907, the *'ulema* was left alone with civil unrest. The Sultan's army had left Fes with the Sultan, who had moved to Rabat to be closer to French protection. This gives some important clues regarding the contractual aspect of the *bay'a*: in the first place, the Sultan is charged with the protection of the *'umma*, and in order to do so, he is given absolute authority. Although there clearly existed a contractual aspect, this should be qualified as a contract in the sense of Thomas Hobbes rather than John Locke or later French philosophers. As Cubertafond remarks,

The Moroccan contractual perspective is closer to Hobbes's political thought than that of Rousseau: a strong central power is built and important limitations on one's own political initiatives are accepted. This submission is supported in order to reinforce the weight of all members of society, notably vis-à-vis foreign countries. This aims to avoid one group monopolising all resources. Hence, a Leviathan is created in order to avoid the jungle and the destruction by rival groups. Then, a contract is signed with the King; The *bay'a* is therefore the delegation of power to a person who is overarmed and overequipped. This power, however, can be taken back if the Royal delegate fails his mission, directly or indirectly.¹¹⁸

Regarding the case of the 1908 *bay'a*, the Moroccan *bay'a*'s contractual nature needs to be further qualified. It was an angry mob who forced the leading *'ulema* to sign the new *bay'a*, and it seems that the *'ulema* would not have done so independently. Al-Kettani, as mentioned above, did not have a large following within the *'ulema*, and being a Sufi, he was even regarded with religious contempt by the orthodox. As a consequence:

¹¹⁷ Ibid.

¹¹⁸ Bernard Cubertafond: *Le System Politique Marocain*. (Paris: l'Harmattan, 1997), p. 56.

It is true that the weakened state of the Sultanate in 1907-08 enabled the Moroccan 'ulema to play a more conspicuous political role than they usually did. Still, even in these years, most scholars remained pawns manipulated by those who held real power, be it the reigning sultan, ... or al-Kattani when he was able to mobilize huge crowds of artisans, shopkeepers, and peasants. In this period, as in previous centuries, no one denied that approval by the 'ulema was a prerequisite of legitimate rule. But nor did those with power have any difficulty in forcing the 'ulema to legitimate whatever it was they wanted legitimated.¹¹⁹

Tozy expresses the same in the following words:

What is sure is that despite the real weight that the 'ulema represented, their power remained limited and one should not exaggerate their importance.¹²⁰

On the other hand, religious dissent had cultural roots, which were that of the righteous-man-of-God who defies unjust rule. Being able to draw on this myth, al-Kattani embodied this figure and was able to put specific conditions into the new *bay'a*, even if he was not able to withstand the pressure when these conditions were later abandoned. These pre-colonial developments should indicate at least one importance of the structure of the public sphere in state-society relations in the beginning of the 20th century. This is the importance of a religious ideal in challenging the power of the ruler, which is embedded into the modes of legitimisation that Morocco traditionally knew.¹²¹ Historical and cultural traditions have placed religion and the 'ulema in the heart of social contractual relations between state and society, institutionalising to a certain degree the public sphere. This was amplified through the 'ulema's access to knowledge and written documents, education, religious and philosophical

¹¹⁹ Munson, 1993, op.cit. p. 75.

¹²⁰ Mohamed Tozy: 'Champs et contre-champs politico-religieux au Maroc.' Thèse pour le Doctorat d'Etat en Science Politique. Université de Droit, d'Economie et des Sciences d'Aix – Marseille, 1984, p. 34.

¹²¹ It may be argued that these modes of legitimacy were embedded in the historical power struggles between the monarchical institution and the religious institution of the *ziwaya* which contested the religious authority of the monarchy in the countryside, what Moroccan and French historians have called *bled-el-siba*. The 'ulema as an intermediate and relatively weak institution, based in the cities, was challenged more by the *ziwaya* than by the monarchy, because of the particular form of maraboutic Islam that the *ziwayas* represented. See Mary-Jane Derb: 'Islam and the State in Algeria and Morocco: A dialectical Model' in John Ruby (ed): Islamism and Secularism in North Africa (New York: St Martin's Press, 1999).

reasoning, and, of course, the monarchy's own self-limitation through its claim to religious legitimacy.¹²² The contractual relationship between ruler and ruled, however, was articulated with the opposite registry of obedience. This is the reason why, paradoxically, Morocco's *'ulema* embodied both registries of political legitimacy, and would continue to do so in later developments of 20th century Moroccan history. It continued to become strong during the protectorate within the nationalist movement, as numerous articles on the *salafiyya* movement have shown.¹²³

In terms of the development of a public sphere, despite the *'ulema's* potential and strategic position to exercise certain features of the public sphere, it was the existence of *power relations* that inhibited its role. In other words, the *'ulema* was unable to develop an autonomous sphere, because its close association for the legitimacy of the Kingdom made it subject to interference and political calculations. This was also due to a lack of differentiation between traditional and modern state features, which continues to inform Moroccan politics up to today.

3.2 Section Two: Characteristics of the post-independence order

Apart from the ambiguous contractual relationship between the ruler and the ruled, the second factor that shaped the development of the sphere between the political centre and society were the structural and historical developments that followed independence and the return of the Sultan from exile in November 1955. The antagonism between the monarchy and the Nationalist movement on the one hand, and between rural and urban élites on the other, resulted in the establishment of monarchical power and the duality of exclusion and co-optation of the opposition. The evolution of associative activities and the establishment of a public sphere accompanied this development, which was also marked by close

¹²² For a textual analysis of this, see Mohammed Kably: 'Legitimacy of State Power and Socio-Religious Variations in Medieval Morocco' in Rahma Bourqia and Susan Gilson Miller (eds): In the Shadow of the Sultan. Culture, Power, and Politics in Morocco (Cambridge, M.A: Harvard Center for Middle Eastern Studies, 1999).

patron-client relationships. As a result, political parties and labour unions became power-bases, and not zones free of power beyond administrative manipulation. The same applies to organisations of civil society that started to operate. The extreme fragility and fragmentation of the Moroccan political scene, that has been commented on by so many observers, continued in associative life. Dissent, then, became marginalised through the absence of homogenising elements, a consequence of the divide-and-rule phenomenon.

As I will argue, contemporary developments of civil society need to be understood within this situation. After analysing the general features of Moroccan political life after independence (neo-patrimonialism, inter-élite conflicts, and associations becoming hostage to political parties and state interests) I will use three examples (the 1962 plebiscite, early human rights activities, and the use of religion by the state) to illustrate that organisations of civil society were weakened. This weakening resulted from the fact that they absorbed the power struggles that were taking place in the political field (the monarchy and those opposition parties issued from the Nationalist movement). In the beginning of associative activities, the political association with a party, and later that with the state, was the all-encompassing feature of organisations of civil society. This was because of the weakness of established patterns of power on the one hand, and patterns of patronage on the other. The power vacuum resulted from the fact that organisations based on popular mobilisation, the army, and the monarchy, all claimed a fair share in the higher ranks of the state. Associations, as the example of the 1962 plebiscite illustrates, played a significant role in support of a particular political formation. In this situation, the monarchy used the same methods, not only with regards to the rural aristocracy.¹²⁴ Another element of this formation of civil society into a political orientation was the fate of the *'ulema* within the League of Moroccan *'Ulema*.¹²⁵

¹²³ See for instance Mohamed El Mansour: 'Salafis and Modernists in the Moroccan Nationalist movement' in John Ruby (ed): *Islamism and Secularism in North Africa* (New York: St Martin's Press, 1999).

¹²⁴ Rémy Leveau: *Le Fella Marocain. Défenseur du Trône*. 2e édition. (Paris: Presse de la Fondation Nationale des Sciences Politiques, 1985).

¹²⁵ Mohammed Tozy: 'Champ et contre champ politico-religieux au Maroc'. Thèse pour le Doctorat d'Etat en Science Politique. Université de Droit, d'Economie et des Sciences d'Aix - Marseille, 1984.

Later in the 1980s, regional associations became the subject of the same strategy. This means that Morocco's version of *étatisme* was from the beginning divided and bipolar.

3.2.1 Moroccan Neo-Patrimonialism and the failure of the multiparty system

The structuring of Morocco's economy and society in relation to the monarch has been subject to a good number of publications.¹²⁶ John Waterbury's *The Commander of the Faithful* analyses Morocco's élite in the early 1960s in terms of patron-client relationships with the monarchy. According to Waterbury, the entire political élite comprises the field of action for alliance-building strategies of the King, who maintains a number of clientele groups of which he is the patron. He appoints all high-ranking civil service officials, and approves promotions in the armed forces. He may choose to delegate this authority to a minister, but according to Waterbury, there is little doubt concerning its origins.

Consequently the king controls the most desirable administrative posts, and he manipulates appointments in the same manner that he distributes economic sanctions and rewards: to hold his secular clientele in line, attract new recruits, and keep opponents off balance.¹²⁷

In a neo-patrimonial and paternalistic manner, "although certain segments of the élite identify their interests more closely than others with those of the throne, the King consistently tries to promote the notion that all segments of the élite constitute a large family, subject to political differences, but essentially united in approval of the direct role of the monarchy in politics."¹²⁸ This image was reinforced by the security forces that Mohamed V built up following the

¹²⁶ See for instance: William I Zartman: *Morocco: Problems of New Power* (New York: Oceana, 1971), Zartman (ed): *Political Elites in Arab North Africa*. (London: Longman, 1982), William I Zartman (ed): *The Political Economy of Morocco*. (New York: Praeger Publishers, 1987), Jean Leca: 'Réformes institutionnelles et légitimation du pouvoir au Maghreb' in Jean Leca (ed): *Développements Politiques au Maghreb. Aménagements institutionnels et processus électoraux* (Paris: CNRS, 1979), see also Jean Leca and Yves Schemel: 'Clientelisme et Patrimonialisme dans le Monde Arabe' in *International Political Science Review*, Vol. 4, No. 4, 1983, pp. 455-495.

¹²⁷ John Waterbury: *The Commander of the Faithful. The Moroccan Political Elite. A Study of Segmented Politics*. (London: Weidenfeld and Nicolson, 1970), p. 152.

¹²⁸ Ibid. p. 149.

spring of 1956. Questioning of the monarch's role and the claiming of popular sovereignty, even if anchored in Article 1 of the constitution, led to prison sentences. Together with Mohamed Basri, *Alternance's* Prime Minister Abderrahman Youssoufi (1998-2002) became subject to this treatment in the winter of 1959/1960. Hence, the King's authority over the armed forces has been critical to his rule. His being the central institution of "justice" made him, in the words of Waterbury, "dispenser of justice." Political opponents, after having been condemned, could always hope to be pardoned by the King in order to be re-integrated into the "national family."¹²⁹ However,

If they miss the opportunity, if they persist in error and believe that clemency is a door open widely to them at all moments, I warn them against the unfortunate consequences of their poor intentions and manoeuvres, and I call their attention to the fact that Our clemency is equalled only by Our firmness.¹³⁰

Since independence, Morocco has had a formal multiparty system at its base, in which divisive elements of Moroccan civil society could strengthen the role of the absolute monarch as arbiter, the desired role of the King. The institutional basis of power, however, became networks of patronage through the distribution of favours, weakening other kinds of decision-making bodies. The King is, in the words of Jean-Francois Clement, "the center of a concentric cybernetic system,"¹³¹ and the following description by Hammoudi contrasts these new networks with the dissolution of the institutional autonomy of the multi-party system and unionism:

¹²⁹ According to Susan E. Waltz "the quality of arbitrariness frequently attached to both reprisals and measures of clemency have served to reinforce an object lesson about the King's raw powers. Disjointed reprisals and unexpected amnesties throw players off balance even as they underscore the discretionary - and thus enhanced - powers of the monarch." Susan E. Waltz: 'Interpreting Political Reform in Morocco' in Rahma Bourqia and Susan Gilson Miller (eds): In the Shadow of the Sultan. Culture, Power, and Politics in Morocco (Cambridge, MA: Harvard Center for Middle Eastern Studies, 1999), p. 291.

¹³⁰ King Hassan, quoted in John Waterbury: The Commander of the Faithful. The Moroccan Political Elite. A Study of Segmented Politics. (London: Weidenfeld and Nicolson, 1970), p. 150.

¹³¹ Jean-Francois Clement quoted in Bahgat Korany: 'Monarchical Islam with a Democratic Veneer: Morocco' in Bahgat Korany, Rex Brynen and Paul Noble: Political Liberalisation and Democratisation in the Arab World. Vol. 2 Comparative Experiences. (Boulder: Lynne Rienner Publishers, 1998), p. 172.

The gradual weakening of political parties and unions - through repression of those seeking change and the coopting of elites devoted to the system - is ... characteristic of this postcolonial order. A civilian network emerged, alongside the makhzen and the military network. The king acted in such a way as to maintain rivalry between the networks and to appear as both indispensable mediator and unique source of favors and pebends, which were bestowed as rewards for political service.¹³²

At the expense of urban associations and parties, traditional links to the rural élite were established, and in return for their allegiance, economically and politically empowered. This empowerment to ensure allegiance served the purpose to establish a new coalition of forces in support of the monarchy, and was possible due to a lack of political consciousness among the rural population.¹³³

These notables were relying on economic wealth (land, animals, hydraulic resources) and important family connections (Caïds, Marabouts, Chorfas) in order to exercise control over the rural population, to influence their behaviour and to speak in their name. This is because the peasantry, as P. Pascon has remarked, 'does not express itself directly as an organised social class, and tolerates that others speak for them, believing that they speak for them, simply because they cannot achieve a political identity.' In exchange for their support and their contribution to the maintenance of social peace in the countryside, these notables obtain from the central power a variety of concessions and advantages.¹³⁴

Recovered colonial land was distributed to rural notables and officers, landowners freed from tax payments (an aspect that is still in practice), and commercial enterprises were run by favoured clients. The early period of public sector expansion offered many opportunities for Royal gifts, and exchanged active, and hence, potentially threatening, political parties with "mechanisms of

¹³² Abdallah Hammoudi: Master and Disciple: The Cultural foundation of Moroccan Authoritarianism. (Chicago: University of Chicago Press, 1997) p. 33.

¹³³ This would change in later years, due to the rural exodus and new educational opportunities in the cities for the semi urban/rural population.

¹³⁴ Driss Ben Ali: 'Changement de pacte social et continuité de l'ordre politique au Maroc' in Michel Canau (ed): Changement Politiques au Maghreb. (Paris: Centre National de la Recherche Scientifique, 1991), p. 53.

balance and arbitration between ... networks.”¹³⁵ Along with the *bay'a*, this served the purpose of disempowering the hegemonic organisation of the Nationalist movement (organised in the Istiqlal party and the UNFP). However, the underlying social demands were not kept at bay. As Leveau notices, the Nationalist movement and demands for structural change were at the heart of the urban bourgeoisie, being in competition with the rural notables, the latter having already profited from the French colonial system. Hence, the period up to the dissolution of parliament in 1965 amounted to a reversal of alliances, a strategic choice – so it seems – taken by the monarchy in view of the power of the Nationalist movement. Rural notables were regarded as the ‘security group’ – the foundation of the Moroccan monarchy – as seen in the 1963 elections and even in earlier pro-government rural uprisings against the Nationalists. Their economic and political empowerment took several forms, the most important one being the proximity of rural interest groups to the government.¹³⁶

3.2.2 *Inter-élite conflicts*

An explanation for the monarch’s ability to draw on the divisive elements of Morocco’s political élite will be outlined at this point. The creation of a rural counter-movement in order to neutralise the Istiqlal and the organised urban élite had already been the strategy of the French administration. This took the form of the enrolment of the rural Berber élite into the military academy of Azrou. The so-called ‘Berber *dahir*’ of 1930 followed the same logic, which divided Morocco into two administrative areas in which Islamic law was separated from Berber customary law. When the urban élite – organised in the hegemonic Istiqlal party – competed in the first phase of Moroccan post-independence for power within the “government of national unity,” its failure to dominate the monarchy resulted from its structural incapacity to undertake rural mobilisation. As Hermassi points out (in contrast to Algeria and Tunisia, where the élite was heterogeneous and homogenous respectively) in Morocco, from the very

¹³⁵ Abdallah Hammoudi, ob.cit. p. 33.

¹³⁶ Rémy Leveau: *Le Fellah Marocain. Défenseur du Trône*. (Paris: Press de la Fondation Nationale de Science Politique, 1985).

beginning, the bourgeois élite was marginal.¹³⁷ Hence, as Gellner noticed, rural rebellions that have marked immediate post-independence, were connected to the *rural* élite that feared the dominance of the *urban* Istiqlal. This is why they collapsed quite easily through the intermediaries of the same rural élites that were increasingly connected to the monarchy. In fact, at times they did not seem to make much sense: “Tribesmen who proclaim themselves supporters of X stage a rebellion - while X is in office as Prime Minister. Or again: a Y stages a rebellion - which is then suppressed by Y himself, whose supporter the rebels claim to be, and in whose very support the rebellion was made.”¹³⁸ Early rural uprisings were closely connected to the system of patronage that administrative posts entailed. The 1956 revolt led by Governor Addi Ou Bihi and supported by the Minister of Interior, Lyusi, was an attempt to prevent the Istiqlal from centralising to its advantage administrative power.

The extension of the national law and abrogation of the customary tribunals, championed by the Istiqlal minister of justice, meant that the national party was the sole force capable of making judicial appointments. The new judges assumed the legal power as a challenge to the local administrative power of the governor and his retainers. Furthermore, the Istiqlalis, who had not undertaken rural mobilization prior to independence, began to infiltrate the interior, the police, the Departments of Education and Public Works. The party used its political weight to expel hundreds of local quids who compromised themselves under colonialism. ... The final blow came when Minister of Interior Lyusi was replaced by Driss M’hammedi in May 1956. The clash between the national élite and locally based power was not far off. ... After having received arms from French officers, Ou Bihi closed down the Istiqlali cells and imprisoned almost all the officials in the region, including the police chief and the judge.¹³⁹

The monarchy’s alignment with the rural élite became evident following governor Ahardane’s dismissal and arrest in 1957, for having engaged in partisan activity. Ahardane, an important figure within the Liberation Army and close to the Royal court shortly after independence, had been the main rival of the leader

¹³⁷ Elbaki Hermassi: Leadership and National Development in North Africa (Berkeley and London: University of California Press, 1972) p. 143.

¹³⁸ Ernest Gellner, ‘Patterns of Rural Rebellion in Morocco: Tribes as Minorities’ Archives Européennes de Sociologie, Vol. 3, No. 2, 1962. p. 297.

of the Istiqlal, Ben Barka¹⁴⁰, who had prevented him from accessing to the post of Interior Minister.¹⁴¹ The political conflict was sharpened by the assassination of the chief of staff of the Liberation Army in June 1956 (according to rumours, at the instigation of Ben Barka.) The Liberation Army's uprising in Fes - threatening the demolition of the city - ended with the army's surrendering of arms to the King. Aherdane had been the main representative of the army and became consequently the main intermediary. The King and the then Crown Prince Hassan encouraged the foundation of Aherdane's *Mouvement Populaire* (rural with strong Berber background) in November 1957. The rural uprising that followed his arrest in his home town Oulmès was, according to his own account, sponsored by him personally and had as its objective the recognition of his party. Aherdane obtained the desired recognition of his party, and the loyal royalist obtained important ministerial portfolios.¹⁴²

These developments resulted in the important bifurcation of the Moroccan political system. Its underlying feature was the cultural and political conflict between the urban and rural élite. The Istiqlal tried to dominate the political system especially through its blocking of a parliamentary bill that would allow the freedom of association. This was followed by the counter-formation of a rural élite with direct links to the monarchy. This allowed the formation of a neo-patrimonial political system with governance based on a system of directly appointed governors (*wali*) and religiously formed judges, outside of the official political system that consisted of governmental political parties and opposition political parties. At the same time, the Istiqlal alienated the army

by making increasingly frantic attempts to gain control over it, and by calling it a stage army of mercenaries. The party itself thus helped consolidate the army's allegiance to the king, and

¹³⁹ Hermassi, op.cit. p. 146

¹⁴⁰ After having been exiled to France in 1965, Ben Barka was kidnapped and under unclear circumstances.

¹⁴¹ A. Coram: 'Note on the Role of Berbers in the Early Days of Moroccan Independence' in E. Gellner and Charles Micaud: *Arabs and Berbers* (London: Gerard Duckworth, 1972), p. 270.

¹⁴² See Ernest Gellner: 'Tribalism and Social Change in North Africa' in W.H.Lewis (ed): *French Speaking Africa: The Search for Identity* (New York: Walker, 1965)

exacerbated their sense of Berber identity by seeking to deny its existence.¹⁴³

The *Mouvement Populaire* under Ahardane, although in principle Berber, did attract a substantial number of Arab/urban members due to its favoured place within the political system, thus losing its character of being purely rural and Berber. Gaining strength from the decline of the UNFP and the Istiqlal, it became a magnet of power especially due to Ahardane's close relationship with Interior Minister (and military leader) General Oufkir, who organised elections and was creating his own personal patron-client relationships. The main goal of attaining a place within the party was to become a player in the extensive patron-client network. This party was without any political programme or ideology: the only idea of the party was to support the monarch against the Istiqlal, a task facilitated by the Istiqlal's 1959 break-up. The *Mouvement Populaire*'s position within the legislative and executive councils allowed its members to profit from easy access to rural loans, the distribution of former French land, and from state services through the *Office National des Irrigations* (ONI) and the *Office de la Mise en Valeur Agricole* (OMVA). The distribution of former French land fulfilled a special role in the distribution of patronage. Although 600,000 acres were directly distributed to rank and file members of the MP, 'collective lands' that belonged collectively to the tribes (15 million acres, of which 2.5 million are used in agriculture) were 'managed' by the Ministry of Interior through turning them into a 'trusteeship.'¹⁴⁴

The basic features of Morocco's neo-patrimonial system ensured that personal favours and loyalty were much more important than political ideology or political skill in the distribution of administrative and political posts. Apart from ideological divisions between conservative and progressive forces within the Istiqlal, (Alal al-Fassi versus Mehdi Ben Barka) the élite was divided between rural and urban elements. The fight for political power in the aftermath of independence, be it by constitutionalism or by the establishment of a multiparty system, absorbed all political activity. As a consequence, newspapers

¹⁴³ Coram, 1972, op.cit. p. 272.

became party-based, as did social organisations (i.e. National Association of Istiqlali Women or *Association pour la Protection de la Famille Marocaine*, both founded by Zhor Ezzouka in 1963, both still presided over by Istiqlali Bennani-Smires¹⁴⁵), as political power was derived from having a mass following. Organisations of this kind were in fact very easily absorbed by political interests in their constant need to find the necessary funds on the one hand, and the positive image they were able to create for political parties or the monarchy on the other. Hence, from the beginning, the system of patronage expanded to include associations, be it through their alliance to political parties or to the state through being recognised as *utilités publiques*.¹⁴⁶

The division of Morocco's politically conscious élite in the aftermath of independence made the monarch's domination possible. An instance of this was the decline of the Nationalist movement.¹⁴⁷ According to Camau, the monarch's institutional dominance was a direct result of the fragmentation of the social base. The National movement was not able to produce a defined social project that would have resisted tendencies of fragmentation, be they induced or intrinsic.

The emergence of post-colonial political institutions corresponded to a movement, which held in itself the negation of dependent structures. This movement, however, because of its configuration in terms of social stratification, was not able to produce a project, which went beyond the aim of nationalising the colonial state. ... These institutions don't produce a 'model' but instead they disarticulate this model by an operation, in which the determining factor is not the voluntarism of leaders but the social fragmentation. These institutions identify as much the state to the nation as the nation has a heterogeneous structure, which tends to be an obstacle for the translation of antagonisms in political

¹⁴⁴ Abdaslam Ben Kaddour: 'The Neo-Makhzen and the Berbers' in E. Gellner and Charles Micaud: *Arabs and Berbers* (London: Gerard Duckworth, 1972, p. 266.

¹⁴⁵ One of the two women in the 1998-2002 parliament, member of Istiqlal's *Ligue Marocaine de Droits de l'Homme*.

¹⁴⁶ See Ali Benhaddou : Maroc : *Les Elites du Royaume. Essai sur l'Organisation du pouvoir au Maroc*. (Paris, l'Harmattan, 1997) for state and personality sponsored associations.

¹⁴⁷ The division was, according to Clifford Geertz, Maraboutic vs. Scriptualist. See Clifford Geertz: *Islam Observed*, (New Haven and London: Yale University Press, 1968). This designation overlaps with other divisions, such as 'Liberation Army' vs. 'Istiqlal', or as analysed here, 'rural' vs. 'urban.'

conflicts. As such, it prevents the representative organisation of the nation by the state. In this sense, far from being a proof for the inadaptation towards an imitated model, these political structures prove to be particularly 'functional' and adapted. ... Be it as it is, the political institutions, if they do not reflect the social structures, they take them into account. In the Maghreb, they give testimony of a social speciality, in which different fields of solidarity confront and combine each other, depending on different social formations, composite societies, and dependent societies.¹⁴⁸

The division of Moroccan political parties has been the cornerstone of the Moroccan political system and the dominance of the monarch. It had at its base the division between the rural and urban élites and population, which was at the beginning of the post-colonial period the predominant factor of Moroccan politics. The monarchy could play on these divisions, and from a position of strength, it could amplify them through its monopoly over the use of coercion. The arrest and condemnation of *Union National des Forces Populaires* leaders in 1963 for allegedly plotting against the monarchy, is the earliest example. The dissolution of parliament in 1965 and the declaration of the state of emergency is another. These early developments concerning the fragmentation of the political sphere to which responded the monarchy's monopolisation of power left several marks on the development of civil society. I will discuss these in the ensuing four subsections.

3.2.3 *The Relationship between Civil Society and Political Parties*

To begin with, a certain critique might be formulated against the distinction between political parties and civil society. Political parties can be regarded as part and parcel of civil society, first and foremost because they are the real 'buffer' between the citizens and the state. They guarantee in any democratic country (as well as in countries that experience a 'democratic transition',¹⁴⁹) the communication between state élites and the population at large. The distinction between political parties and civil society, however, can be justified using

¹⁴⁸ Michel Camau: Pouvoirs et Institutions au Maghreb, (Tunis: Cérés Productions, 1978), p. 200.

Putman's distinction between vertical and horizontal power relations, to which I referred earlier in Chapter One.¹⁵⁰ In his opinion, associations of civil society are characterised by horizontal power relations (between equals, so to speak), whereas political parties are characterised by vertical, hierarchical power relations.¹⁵¹ Consequently, when political parties impose their vertical power relations on associations of civil society, they inhibit their autonomy and transform them into mere satellites of their interests.¹⁵²

Until the mid-80s, this was effectively the case in Morocco. Power relations inhibited the free expression of associations' interests, as was illustrated by the instrumentalisation not only of labour unions, human rights organisations, youth organisations, women's rights associations, but also of Islamic organisations (the *League National des 'Ulema*).¹⁵³ In addition to ideological similarities between 'democratic' actors of civil society and 'democratic' political parties (which had been till 1998 more or less opposition parties), political parties used feminist sections and human rights organisations to bolster their own opposition vis-à-vis the central government and the monarchy. The same applied to the creation of youth organisations such as the *Association Marocaine pour l'Education de la Jeunesse* (AMEJ) and *Touffoula Chaabia* by the Istiqlal (which became later UNFP and USFP youth organisations),¹⁵⁴ and the student's organisation *Union National des Etudiants Marocains* (UNEM).

As a result of this close party-association complex, the central feature of Morocco's civil society in those three decades following Morocco's independence was that associations were very closely tied to the political process. The political struggle between the political parties and the monarchy, made organisations of civil society fulfil a specific function, that of serving as

¹⁴⁹ For a critique of the Transition Paradigm see Thomas Carothers: 'The End of the Transition Paradigm' in *Journal of Democracy*, Vol. 13, no. 1, January 2002.

¹⁵⁰ See page 24.

¹⁵¹ Robert Putman: *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), p. 167-75.

¹⁵² Habermas's use of the public sphere and communicative power implies the same idea.

¹⁵³ See the following three subsections.

political parties' presence in the population. In this context, the lack of autonomy prevented the clear articulation of any associations' interests or purpose, and resulted in the weakening of its associative activities. This was especially the case in the politically sensitive sector of human rights, which I will discuss in more detail later in this thesis.¹⁵⁵

From the point of view of political parties, however, this interference into associative life was necessary to guarantee *the state's* absence from civil society, that is, to guarantee a certain form of civil society's independence. Larbi Messari, high ranking member of the Istiqlal, former Ambassador to Brazil and former Minister of Communication (1998-2000), and former active member in associations such as UNPM and the Writers' Association, explains the Istiqlal's point of view:

In Moroccan political parties, there is a secondary parallel organisation that consists of trade unions, school's parents associations, associations in education, for the youth etc. The militants of political parties have presided over these associations (of parents, for instance) in order to talk about the political issues that were relevant (for instance: education)... Apart from that, the political parties have always incited the citizens to participate in welfare. For this reason, in Morocco there is a well-functioning welfare network. The political parties tried to motivate the people to become interested in public concerns in order to create and lead the citizens. Therefore, very often, organisations appeared thanks to the initiative of political parties. It was the democratic parties which represented political society and *when they fought in the extreme situation of the state of emergency [1965-1972] the political parties were the vanguards of civil society*. Today, the political parties fight for power, and civil society, based as it is on the voluntarism, is not interested in power. This means that today, *civil society can be separated from political society, but the two are still part and parcel of the democratic movement...* For example, the union of the national press was created by the democratic political parties, Youssoufi [USFP], Boucetta [Istiqlal] and others in order to defend the interests of public freedom. *The Union des Ecrivains* was born at the initiative of writers, poets, and according to its nature, it should be independent. However, *Ghallib and I* [both Istiqlalis], *we did a coup d'etat in order to defend the independence of this union vis-à-vis the state. In the*

¹⁵⁴ For a detailed analysis see Aïssa Ikken: Les Organisations de Jeunesse au Maroc (Rabat: Al Assass, 1997).

¹⁵⁵ The LMDH's activities and containment will be explained in the following subsection

*whole Arab world, we were the only case of a writers' association that was independent from the state.*¹⁵⁶

3.2.4 The politicisation of associations and trade unions during the 1962 referendum

The referendum for approval of the first Moroccan constitution of 7 December 1962 marked the role that associations played within the system dominated by the monarch and the system of patronage. This event is significant in so far as it is the first mass-based event in which the politicisation of associations became clear and their relationship to the monarchy the most important characteristic. The split between the Istiqlal and the UNFP meant that labour unions such as the *Union Marocaine des Travailleurs* (UMT) and the *Union Générale des Travailleurs Marocains* (UGTM) were forced to adopt the attitude of these parties. The positions of the Istiqlal in favour of the constitution and the call to boycott the referendum by the UNFP were equally guided by a sense of rivalry: The Istiqlal hoped that it could promote itself as quasi-loyal to the monarchy, thereby getting rid of its main competitor in the field, the UNFP. In contrast to UNFP critics of the constitutional process, the Istiqlal announced that it did not consider important how the constitution was elaborated. What mattered was what it contained and if this was in line with the aspirations of the Moroccan nation. The reason for the controversy was simple: the commission for the elaboration of the constitution was not democratically elected as demanded, but hand-picked by the monarch. As a consequence, the referendum was the only means by which the monarch hoped to legitimise 'democratically' the constitutional order, which was written largely by himself. The Istiqlal considered (1) Islam (2) territorial integrity (3) the Arabic language and (4) the constitutional monarchy the fundamental characteristics of the nation. Its daily newspapers *Al Alam* and *La Nation* (under the control of the Minister for Islamic, Affairs Allal El Fassi) were mobilised in support of the Yes-vote. During the electoral campaign one month before the vote, in Rabat alone, the offices of the UGTM and *Union Marocaine de l'Agriculture* (UMA) were used

¹⁵⁶ Larbi Messari, member of the Istiqlal, interview with the author, 16 March 2002. Emphasis added.

to hold 34 meetings. The dependent character of the UMA was obvious when considering that it was presided over by former Minister of Agriculture Ahmed Nejjaï (Istiqlal). Other associations that took actively part in the campaign for the constitution were *L'Union Marocaine du Commerce, de l'Industrie et de l'Agriculture*, *l'Union Générale des Etudiants Marocains* (UGEM), the *Associations de Parents d'Élèves*, and the *Commission Nationale de Sport*.

In rural areas, the *Mouvement Populaire* assured the success of the referendum, through its *Association Nationale des Anciens Combattants*, which counted more than 100,000 members. Aherdane, the president of the *Mouvement Populaire* was equally president of this association. Other associations that were in favour of the Yes-vote were the *Ligue des Oulémas du Maroc*, the *Ligue des Magistrats*, Morocco's first Human Rights organisation the *Ligue Marocaine des Droits de l'Homme* (Istiqlal) and the *Conseil des Communautés Israélites* with its press organ *La Voix des Communautés*.¹⁵⁷

On the other hand, the vote to boycott the referendum for its lack of democratic participation and the dominant role of the monarch was principally organised by the political party UNFP, the trade union UMT, and the students' union *Union Nationale des Etudiants du Maroc* (UNEM). The relation between the UNFP and the UMT, however, was marked by conflict and competition, as Ben Barka accused the UMT of not being revolutionary enough and of compromising with the monarchy. This was essentially because some of the local leaders of the UMT had been elected into municipal councils in 1960, and had been dealing directly with the monarchical system. In addition,

The trade unions seemed determined to examine the text without prejudice and to leave their militants the freedom of vote. This was both to mark their autonomy vis-à-vis the political field and because they considered the Royal power as a lasting reality with which it was necessary to deal.¹⁵⁸

¹⁵⁷ Paul Chambergeat: 'Le Référendum Constitutionnel du 7 Décembre 1962 au Maroc.' In *Annuaire de l'Afrique du Nord*, Vol. 2, 1962, CNRS, p. 176-78. The LMDH is included by Chambergeat, even if - according to my sources - it was constituted only 10 years later. Therefore, this LMDH might be an early division of the Istiqlal, which carried the same name.

¹⁵⁸ Ibid. p. 180.

In the beginning, the politicians of the UNFP were also divided about the party's acceptance of the constitution. According to Chambergeat, Ben Barka was ready to support the constitution if the party was guaranteed a participation in the government. Others, like the former chief of the resistance, Fiqh Basri, and former Minister of Finance in the government Ibrahim, Abderrahim Bouabid, declined categorically the constitution for the absence of a constituting assembly. When the central committee of the UNFP decided on 15 November to boycott the referendum, the UMT decided despite the dissatisfaction of some of its leaders "to reject, to denounce, and to fight against the constitution."¹⁵⁹ The associations that were aligned to the UMT such as the *Jeunesse Ouvrière Marocaine* (JOM), *L'Union des Syndicats Agricoles* (USA) and the *Union Progressiste des Femmes Marocaines* (UPFM) followed suit.

What is striking in this formation is that the organisation of these associations in line with the rationality of the two most important parties went hand in hand with an assumption that members were forced to vote in a certain manner. Critics of this discipline that were for or against the project contented that their members were free to vote as they wished. Similarly, it appears that the refusal to be used as an instrument is behind the latent conflict between the UNFP and the UMT. As aforementioned, the co-operation of some of the UMT members in the municipal councils with the monarchy had been overtly criticised by Ben Barka, as this did not fit into the UNFP's revolutionary profile. These problems of relative dependence were behind the decision taken by the UMT in January 1963 to become formally independent from the UNFP. Up to today, these form the key-issues in the discussions about civil society in Morocco.

¹⁵⁹ Ibid. p. 184.

3.2.5 The politicisation of Morocco's first human rights organisations, the LMDH and the AMDH

In 1973, the *Ligue Marocaine des Droits de l'Homme* was officially recognised as an Istiqlali human rights league after the two military coups attempts of 1971-72. In its initial phase, it was presided over by Mohamed Diouri, former Minister of Equipment, and Abbas Al Fassi, at the time Ambassador, and Minister of Employment in the government of *Alternance* (1998-2002), all high ranking militants of the Istiqlal. This was during a phase in which the monarchy tried to form a new strategic alliance with the opposition, being faced with the threat lurking from military coups.¹⁶⁰ In one of its first pamphlets, the LMDH identified the Interior Minister Oufkir as the main threat to political freedom and human rights, Oufkir being at the same time implicated in the second coup attempt. Fifteen years after independence the language is still very nationalist:

Our action was a historical necessity in order to face the dark Oufkiran order.... He (Oufkir) ruled as an absolute ruler over Morocco... It was a question of dignity....the Istiqlaliens and all active forces of our nation, which had fought colonialism and who had sacrificed a lot so that Moroccans could live as free citizens in a free country, could not tolerate this.... The will of our people was ridiculed, and our freedom was tied up. We lived under terror, although we had conquered our independence long before.¹⁶¹

With the removal of Oufkir from the Ministry of Interior, and the climate of appeasement that reigned during the constitutional referendum (1974), the *League Marocaine des Droits de l'Homme* (LMDH) could start to send out observer groups to political trials, and to publish reports on unfair trials of UNFP activists in May 1972. According to Karem, it exhibited a certain dynamic up to

¹⁶⁰ The first military coup took place on 10 July 1971, when 1500 military cadets tried to kill King Hassan II during a Royal party at the Palace in Skhirat. The second followed a year later on 16 August 1972, when three fighter aircraft tried to shoot down Hassan II's Royal aircraft on his return from France.

¹⁶¹ Interview with Director of LMDH Diouri, quoted in Mohammed Karem: 'La notion de droits de l'Homme au Maghreb. Essai sur une nouvelle culture politique.' Thèse de Doctorat, Université de Droits, d'Economie et de Science Politique d'Aix-Marseille, 1991, p. 153-154.

the 1975 Green March, which made the King once again take over domestic hegemony through the domination of the nationalist discourse. Consequently, in line with the nationalist discourse, human rights were transformed into citizen's rights, with the clear tendency to defend first of all the unity and independence of *La Patrie*. The return of the Istiqlal into government in 1977 after 15 years of absence had the impact to silence the LMDH's critique.¹⁶² The fact that the Istiqlal was a coalition partner, and the LMDH was not independent, diminished its capacity to act as a critical force in the 1977 Casablanca trials of 178 leftist activists, who were outspoken for the Sahrawi's right to self-determination. The same applies to the 1981 bread riots that resulted in the death of 600 protesters and more than 100 trials of USFP and CDT members, who had called for the protests.¹⁶³

The LMDH being too closely tied to the Istiqlal, those intellectuals close to the USFP decided in 1979 to create a second human rights organisation, the *Association Marocaine des Droits de l'Homme* (AMDH). The political context was that the Istiqlal participated in the government which led to a rupture with its USFP ally within the *Koutla*.¹⁶⁴ As a result, the AMDH's activity was from the very beginning tied to the party orientations of the USFP. Hence, the 'necessity' to create it was as much a political move as it was a consequence of continuing human rights abuses. This being the case, it also became subject to contingencies that marked its alliance with the USFP. This became evident during internal fights that took place within the USFP at the beginning of the 1980s. The violent suppression of the June 1981 demonstrations had the consequence within the USFP of splitting the militants into two camps: those who advocated a dialogue with the monarchy and those, such as A. Benamor, whose 'radical' tendencies made them denounce any opening towards the Royal house. This internal conflict hardened with the USFP's participation on 30 November 1983 in

¹⁶² Ibid. p. 157.

¹⁶³ See AI reports for the years 1977-1982.

¹⁶⁴ The *Koutla*, was formed as a 'democratic bloc' following the 1974 constitutional referendum. Ever since, it has been an electoral alliance consisting of the Istiqlal, the USFP, and the OADP, with occasional participation of the PPS. They formed the so-called 'former opposition,' which was opposed to the 'parties of the administration,' technocratic parties created by loyal civil

government with Abdelouhad Radi as Minister of Cooperation and the Secretary General A. Bouabid as Minister without portfolio. Apparently, this was to support the 'national consensus' concerning the West Sahara issue. After a period of internal fighting over the control of the AMDH, it was the radical wing (*Parti d'Avantgarde Démocratique et du Socialisme* - PADS) that seized control in 1984 under Benamor. At the same time, the AMDH became subject to suppression, which rendered impossible the continuation of its activities throughout the remainder of decade.¹⁶⁵

3.2.6 *The politicisation of religion and the retraditionalisation of Morocco*

The role of religion in Moroccan politics has been analysed in many publications. Indeed, one of the dominant characteristics of the Moroccan political régime is revealed in the confusion of Islam and monarchy. According to Geertz, the two principal registries of legitimacy in Morocco are 'Islamist' and 'Umma.' The first principle refers to the right to dominate derived from magical aspects, the *baraka*, of an individual, the second to the aptitude to rule judged and legitimated by the ruled group. For Geertz, this legitimacy based on Islam is therefore 'intrinsic' and 'contractual.'¹⁶⁶ For R. Leveau, Islam became, after independence, the principal force of political legitimacy with jurists giving a very precise content to the role of the Commander of the Faithful, placing Islam, coupled with monarchy, above all other institutions.¹⁶⁷ A slightly different perspective is taken by analysts who prefer to talk about traditionalism or the traditionalisation of politics. These analysts refer to the use of traditional symbols in the registry of legitimacy, such as the *bay'a* that sees the King on top of a horse in front of the highest officials of the state. Another prominent

servants close to Hassan II. This bloc of parties is called 'wifaq.' With the former opposition parties being appointed in government, the significance of these designations is changing now.

¹⁶⁵ Karem, 1991, op.cit. p. 162/163. Benamour remained president of the AMDH and secretary general of PADS until 2001.

¹⁶⁶ Geertz: *Islam Observed*. (New Haven and London: Yale University Press, 1968), pp. 74-81.

¹⁶⁷ R. Leveau: 'Islam et Contrôle Politique au Maroc' in Ernest Gellner and Jean-Claude Vatin (eds): *Islam et Politique au Maghreb* (Paris, CNRS, 1981), p. 273.

example is the obligatory dress code of a white *jellaba* during the opening of parliament.¹⁶⁸

Regardless of the conceptual difference between religion and tradition that has been analysed by these authors, the use of religious symbols and connotations in political discourse has supported the hegemony of the monarchy in the sphere of religion, which brings Tozy to speak of the political-religious field.¹⁶⁹ Of course, the use of religion and religious institutions as a source of legitimacy differs from the domination of associations by political parties. The difference being that in the beginning, the monarchy did not try to create a popular mass support, but focused on the strategic and traditional support of the '*ulema*'. In the immediate post-independence period, the nationalists' criticism of the subservient role that the '*ulema*' had played during the French protectorate, played into the hands of the monarch, and the foundation of the League of Moroccan '*Ulema*' in 1960 helped the monarchy in finding an institutional base for itself. This was despite the fact that, according to Leveau, the creation of the League of Moroccan '*Ulema*' in September 1960 was in the first place a sign of the '*ulema*'s attempt at becoming independent.¹⁷⁰

Whenever the '*ulema*'s criticism of secular practices sharpened, the state reacted with the enforcement of religious practices such as fasting during Ramadan.¹⁷¹ Consequently, through the emphasis of religious aspects in everyday life, the '*ulema*'s critique was effectively silenced. As Tozy remarks, the '*ulema*'s most outstanding feature was its absence in political affairs.¹⁷² The

¹⁶⁸ John Waterbury: 'La légitimité du pouvoir au Maghreb: Tradition, Protestation et Répression,' in J. Leca et al (eds): Développements Politiques au Maghreb. Aménagements Institutionnels et Processus Electoraux. (Paris CNRS, 1979), p. 413.

¹⁶⁹ Tozy, 1984, op.cit.

¹⁷⁰ According to Leveau, the '*ulema*'s close relation to the Istiqlal, however, whose leadership was closely associated to the scripturalist form of Islam (Allal al-Fassi) served to put the '*ulema*' between the Istiqlal and the monarchy. Rémy Leveau: 'Islam et Contrôle Politique au Maroc' in Ernest Gellner and Jean-Claude Vatin (eds): Islam et Politique au Maghreb (Paris, CNRS, 1981), p. 276.

¹⁷¹ Ibid.

¹⁷² Mohammed Tozy: Monarchie et Islam Politique au Maroc (Paris, Press de la Fondation Nationale de Sciences Politiques, 1999), p. 111.

King's handling of religious affairs tried to circumvent the 'ulema's critique.¹⁷³

As Leveau describes,

It seems clear that the monarchy does not want to leave any other sector of political life the possibility to exceed itself on the question of Islam. If the 'ulema are worried and if they feel threatened by modernisation, Hassan II prefers to slow down the progress rather than take their criticism. It should be relatively easy for him to find a field of entente with them as much as official Islam is still rich enough in Morocco to sustain religious buildings and a good number of imams. Even if this rich cult was not allowed that kind of expansion which Allal El Fassi had envisioned, these men of religion are conscious of their privileged situation....¹⁷⁴

This was complemented by the establishment of the National Council of 'Ulema in 1981 that was to be under the King's personal control. With the members of the League of Moroccan 'Ulema being appointed by the Council, the control that the monarchy could exercise over the religious scholars increased. From the perspective of the Moroccan state, increasing control over the 'ulema became necessary after the visit of the Shah of Iran in 1979, which sparked widespread riots all over Morocco. This embarrassed Hassan II's intention to illustrate that Moroccan Sunni Islam had nothing in common with radical Shi'ism of the Muslim East. Moreover, a *fatwa* of independent 'ulema against the official condemnation of Ayatollah Khomeini followed, increasing the Royal embarrassment. Consequently, the 'ulema were to become loyal through a more clearly defined role, institutionalised in the higher spheres of the state. They were, in the King's words, to "supervise the religious orthodoxy"¹⁷⁵ *without* becoming the guardians of the *shari'a*. They were supposed to be the administrators of cult *but not* the producers of ideology. Neither were they to be independent religious activists. This indicated the central problem that the state

¹⁷³ However, several problems posed themselves, such as Hassan II's initial lack of religious charisma, Allal al-Fassi's religious standing and his initial presidency over the League of Moroccan 'Ulema. Other problems included Hassan II's simultaneous embracing of modernism and traditionalism, and the increasing secularisation of Moroccan society.

¹⁷⁴ R. Leveau 1981, op.cit. p. 276.

¹⁷⁵ Mohammed Tozy, 1983, op.cit. 127.

had to tackle: “How to prevent the danger of Political Islam, how to avoid the danger of the ‘ulema, while transforming them in the auxiliaries of the state.”¹⁷⁶

3.2.7 Consequences in the press

In this context of political struggle, the Moroccan press became the central field, where these struggles were fought over. The monarchy could use its monopoly over the administrative apparatus in order to sanction and enforce the boundaries of critique in this sphere. Consequently, it had been subject to increasing repression. Already immediately after independence, the *dahir* of 1 June 1959 gave the Minister of the Interior the right to seize any newspaper that had defamed any functionary, public employee or government official. The *dahir* of 28 May 1960 *De la Répression Préventive* introduced a new definition of what was to be censored: “attacks on the institutional, political, or religious basis of the Kingdom.”¹⁷⁷ As Bennani and D'Souza comment

Because of its general and vague character, and because the constituting facts for the intervention are not clearly determined, this new text would give rise to serious impairments of the freedom of press. This is because this text justified suspensions and interdictions that were not motivated by legal judgment, and nor submitted to any kind of legal control.¹⁷⁸

The 13 November 1963 saw another limitation of the freedom of press. In the case of defamation, journalists had to appear before the court within 48 hours, which meant that journalists had only 48 hours to produce a valued defence against the charge of defamation. Moreover, the limit of prescription (still for defamation) was prolonged from five months to one year. “All these legal

¹⁷⁶ Ibid.

¹⁷⁷ OMDH and Article 19: Liberté de la Presse et de l'Information au Maroc. (Rabat : no publisher, 1995). p. 6. This modification came only a few months after the director of the newspaper *Attahrir* was arrested.

¹⁷⁸ Ibid.

procedural modifications made legal pursuits for defamation much easier and the task of the legal defence much more difficult.”¹⁷⁹

A third revision took place on 10 April 1973. The *dahir*, which also reduced the liberty of association, increased the punishment for all offences that were included in the press code and criminalised all declarations that were suspected to “trouble the public order”. Moreover, in order to seize a publication, it was no longer necessary for the courts or for the Minister of the Interior to prove that a journalist wrote something with “bad intentions” (*en mauvaise foi*).¹⁸⁰

The Moroccan press has evolved during phases of severe restrictions. Hassan II always attempted to portray himself as the country’s undisputed leader, especially in the Western-Sahara conflict. There are three existing taboos in the Moroccan media: criticism of Islam, the monarchy, and territorial integrity. These all point to the institutional supremacy of the monarch in Morocco’s political system, which is as Cubertafond notices, essentially the King’s system.¹⁸¹ In this situation, violations of the freedom of press can be regarded a necessary side-effect. During the phase of political conflict between the monarchy and the political parties issued from the Nationalist movement, political questions inevitably challenged decisions taken by the monarchical centre.

At the same time, however, Morocco’s press can be regarded as one of the freest in North Africa, if not the Arab world. According to the *Organisation Marocaine des Droits de l’Homme*,¹⁸² there existed 406 different journals and newspapers in 1992 and ten years later, they are estimated to number more than 600. The francophone dailies vary from royalist establishment such as *Le Matin du Sahara et du Maghreb*, nationalists-conservative (*L’Opinion*) to socialist and

¹⁷⁹ Ibid. These modifications came after the leaders of the UNFP were arrested in July of the same year for allegedly plotting against the monarchy. It is also within the context of the Moroccan-Algerian war of October 1963.

¹⁸⁰ Ibid. These modifications came after the attempted coup d’état of 16 August 1972 and some weeks after the arrest of a number of UNFP personalities who wanted to found the USFP.

¹⁸¹ Bernard Cubertafond: *Le Système Politique Marocain* (Paris: Éditions L’Harmattan, 1997), p. 12.

communist newspapers (*Libération, Al-Bayane*). Since the relaxation of the press control in the 1990s, some party-independent journals can be added to the list (*Assahifa, Maroc Hebdo, Maroc Soir, Le Journal, Demain, Le Reporter*, etc.).¹⁸³

This freedom, however, was possible only due to one essential feature of the press until the mid-1980s: that of particular newspaper's association and affiliation with political parties of the 'opposition' parties or the state. This meant that newspapers followed an editorial line advocated and decided by the political leadership of the political parties, or state officials. They lacked, therefore, similar to associations discussed in this chapter, independence from where they could have participated in the establishment of an independent public sphere.

3.2.8 The development of Morocco's civil society and public sphere after independence: Towards Articulation

During the formation of the Moroccan political system, the boundaries of civil society seemed to be underdeveloped. The system of patronage that encapsulated important parts of the population weakened the autonomous articulation of interests. Moreover, a unifying element of civil society was missing. This was because after independence, particular positions in civil society were related to positions of power. As a result, its evaluative function, an important aspect of the public sphere, was not developed. This was illustrated by the constitutional process of 1963, in which associations were instrumentalised for specific political purposes. In the domain of human rights in the 1970s and 1980s, these associations were also used as power bases and became consequently absorbed by political struggles. Hence, there was no critical force that challenged the confrontational line between the monarchy and the Nationalist movement, neither were there, in this early stage of political

¹⁸²OMDH and Article 19, 1995, op.cit. p. 31.

¹⁸³One may remark here that the relative freedom of press increased proportionally with the relative importance of TV for the formation of public opinion. In Morocco, TV was controlled directly by the state and the Ministry of Information, which was - until February 1995 - a subsection of the Ministry of Interior. It has now become the Ministry of Communication.

development, public spheres not serving as power bases for political incumbents. Therefore, the public sphere and political power were articulated.

Nevertheless, important elements of civil society developed with the political system, and became in different periods more and less dependent. The period between 1973 and 1975 has been described as an active period for the LMDH, because its patron, the Istiqlal party, was *not* in government. Simultaneously, it was given a free hand in the time of appeasement between Hassan II and the opposition after the 'Oufkirian' order had been overthrown.¹⁸⁴ The *'ulema* seem to have been enjoying an independent character until Hassan II attempted to transform them into 'auxiliaries' of the state. The state, however, became more conservative in the process. In 1979, its independence came again to the fore, which resulted in more efforts to guarantee their successful 'nationalisation'.

Despite these attempts at instrumentalising associations of civil society for political purposes, there are clear signs that illustrate particular public spheres' resistance against incorporating tendencies of state and political parties. The labour union UMT complained from an early stage onwards about the influence, which the UNFP was exercising over its organisation. The foundation of the League of Moroccan 'Ulema was also meant to be a step towards the institutionalisation and independence of religious interests outside the state framework, even if – as seen – it was effectively controlled by state institutions such as the Ministry of Habous.

Although the development of civil society was a reaction to administrative penetration of society in the early phase of Moroccan political development (labour laws, enactment of family code, law on the freedom of association, press code, education and universities etc.), the logic used corresponded to Morocco's particular political system. Administrative penetration of society was not politically neutral (the building of mosques to

¹⁸⁴ General Oufkir, Interior Minister was held responsible for the second military coup. His assassination and replacement in 1973 was seen as a sign of change by opposition parties. See interview with LMDH director and Istiqli Diouri, quoted in Karem, 1991, op.cit. pp. 153-154.

appease the religious sector, the Arabisation campaign to counter the urban francophone élite and to placate the conservative nationalists in the Istiqlal) and closely connected to power blocs. It involved principal questions concerning the organisation of the state and the personnel – political parties or ‘independent’ King’s men - and the distribution of the country’s newly available riches. With basic questions being fought over, administrative penetration can be regarded as extremely weak, accounting for what many observers described as ‘traditionalisation.’¹⁸⁵

3.3 Chapter Three: Summary

In this chapter, I introduced different aspects that developed in the pre- and post-colonial order. I discussed the question of Islam and the ‘*umma* before 1912 as it is presented in the literature. Lahbabi’s three principles of the caliphate and his understanding of Moroccan history lean towards a conclusion that tied the monarchy to the leaders of civil society, that being mainly the ‘*ulema* in pre-colonial Morocco. An analysis of the role of the ‘*ulema*, however, has revealed that the ‘*ulema* acted under pressure, be it popular or monarchical, and were more a tool to be used (mainly by the Sultan). Reasons for ‘*ulema* rebellions against the Sultan were usually in the realm of civil disorder. If the ruler was not able to guarantee the protection of the people from external or internal threats, be it through signing of treaties with colonial powers or through the absence of armies in times of immediate threat, the ‘*ulema* had the power to withdraw the *bay’a*, i.e. its allegiance. Nevertheless, the myth of the righteous-man-of-god who defies an unjust Sultan remained an important feature of what Geertz once called the “social history of the imagination” of Moroccan society.¹⁸⁶ Hence historically, this explains the religious dissent of late 20th century ‘*ulema* and the Islamist movement, as it takes its cultural and historical force from this “collective self-imagination.” At the same time however, claims of religiously-founded dissent stay ambivalent. The historical circumstances seem much more important and specific than the principle of religious dissent. This means that even if some contemporary religious scholars base some of their religious

¹⁸⁵ See Clifford Geertz: Islam observed (New Haven and London: Yale University Press, 1968).

judgements on the imagined historic role of the *'ulema*, it would need an exceptional situation – connected with real security or national integrity concerns – to mobilise a significant number of *'ulema*.¹⁸⁷

This illustrates the lack of an autonomous public sphere, within which the *'ulema*, as actors of civil society, could institutionally initiate political-religious discourses that related to public issues. In pre-colonial Morocco, despite the fact that *'ulema* were literate and used their skills for political purposes (such as the writing of new *bay'a*), the limited participation of ordinary people that were affected by public decisions rendered the public sphere deficient. This was certainly due to the relatively weak nature of state power in medieval Morocco, which had, as Hourani notices, “no permanent roots in the city and ... only a small bureaucracy, limited control of the agricultural surplus through taxation, and restricted power of coercion; [the state] existed by constant movement, political manipulation, and religious prestige.”¹⁸⁸ In this situation, a *public* seemed to exist only in a very limited sense, as ordinary people seemed little concerned by public decisions, due to the weak penetration of administrative structures, and a lack of clear identification with a target area - geographically and socially. To this should be added the limited notion of *public* in Moroccan historical political terminology: 19th century Moroccan historiographers considered the *'umma* only an informal and unreliable mass that had no face, which needed specially designed intercessors that spoke in their name.¹⁸⁹ It presented a space of disorder, and not that in European contract theorists elaborated idealised civic space of ultimate legitimacy. As a result, it was not the *'ulema*'s independence and authority that was the all encompassing feature of the public sphere in pre-colonial Morocco, but rather the *'ulema*'s dependency on direct power relationships: Al-Kettani was regarded by mainstream *'ulema* as

¹⁸⁶ Ibid, p. 19/20

¹⁸⁷ One may think of the Second Gulf War that had an enormous effect on the domestic position of King Hassan II and may include the 2003 Gulf War.

¹⁸⁸ Albert Hourani: 'Conclusion: Tribes and States in Islamic History' in Philip S. Khoury and Joseph Kostinger: Tribes and State Formation in the Middle East (Oxford: The University of Oxford Press, 1990), p. 306.

¹⁸⁹ Mohammed Tozy: 'Représentation/Intercession: Les enjeux de pouvoir dans les 'champs politiques désamorcé' au Maroc' in Annuaire de l'Afrique du Nord, Vol. 28, 1989, Editions du CNRS, pp. 158/9.

‘too powerful,’ and his aim to overthrow the political order through the help of allied tribes indicates the lack of discursive practices as a means not to gain positions of power but for the sake of participating in public discourses.

In post-colonial Morocco, the material available illustrates the extreme fragility of the politically conscious part of the population, and the struggles for power between different segments of the population. Certainly, the monarchy had a guiding hand in most of these struggles, and could effectively engage in a divide and rule strategy. However, the base of these conflicts was historical: what is striking among the immediate claimants for power was the lack of hegemony of any of them. The Istiqlal’s claim to domination and state power was counteracted by the formation of alternative centres of power, such as the UNFP and the rural *Mouvement Populaire* led by Aherdane.

These events and circumstances point to one essential feature of Moroccan political life, and the role that political parties played vis-à-vis associations of civil society. Since independence, political parties have been structured in a bureaucratic-authoritarian way. It was their oligarchic character that distinguished the groups that controlled these political organisations.¹⁹⁰ The intra-party fights that took place in the early years of Moroccan independence - resulting in the multitude of party splits and conflicts - illustrate the incapacity of parties to create a consensus. This was transferred to the early activities of associations, as their creation in the shadow of political parties transformed them into important sources of political mobilisation and ideological contestation in the service of particular political parties. As for independent associations such as the UNEM or, in the 1980s, the OMDH: all political parties tried to have a certain number of their members represented. The control that parties tried to exercise over associations resulted from the particular logic in post independence Morocco that put them into the position of opposition within the reach of political power (in parliament until 1965 and since 1977) but without access.

¹⁹⁰ See for instance Bernabé Lopez-Garcia: 'Structures des partis, politicisations de la société et démocratie: Splendeur et misère de l'opposition politique au Maroc.' in Jean-Claude Vatin (ed): *Démocratie et Démocratisation dans le Monde Arabe* (Cairo, no publisher, 1992). pp. 253-265. R. Michels: *Les partis politiques. Essai sur les tendances oligarchiques des démocraties*. (Paris: Flammarion, 1971), pp. 137-147

Consequently, in the 1960s and 1970s, an absence of societal consensus and the politicisation of associations made the Kingdom base itself on static policies with considerations of short term stability predominating over the project of development. This rendered Morocco, according to Hudson, inherently unstable, as the high fragmentation of political culture corresponded to low governmental capacities.¹⁹¹ This points to the articulation of discourses with power politics and a low level of state hegemony. With the revival of parliamentary politics after the 1977 elections and the appointment of the Istiqlal into government, changing features appeared (Green March, Hassan II mosque, creation of loyal regional associations) without that the complex of political party - civil society changed its basic feature. As will be seen in the following chapter, the disentanglement started in the late 1980s, and the increasing activity of organisations of civil society paradoxically might even be regarded as a result of this complex.

¹⁹¹ Michael Hudson: Arab Politics. The Search for Legitimacy. (New Haven: Yale University Press, 1977) p. 399.

CHAPTER FOUR: THE PRESSURE FOR PUBLIC SPACE (1985-1993)

In Chapter Three, I aimed to illustrate the features of an ‘old’ system in which civil society and the public sphere were dependent. Against this background, this chapter examines the emergence of a ‘new’ civil society, when important changes happened in the mid 1980s. Individuals and groups of individuals recognised the fact that their association to political parties had prevented the articulation and promotion of their issues. Consequently, they formed alternative associations in order to mobilise for single issues, and became critical in the public sphere. This changed the content and the boundaries of the articulated public sphere as well. This was most recognisable in the newspaper scene, and provided for the increasing political freedom of the mid 1990s. In the early phase, the Moroccan state did not consider these new actors as being too threatening, and left them the space necessary to commit themselves in agenda and boundary setting. In the case of human rights, the state even created the forum, where these new organisations could challenge the state’s policies, and where the representatives of state ministries were direct interlocutors.

In this chapter, I seek to illustrate the dynamic that these early organisations were able to set in motion, which amounted to increasing pressure for public space. I will do so by describing the actors and organisations, their strategies, and their early successes in indirectly challenging the state’s monopoly in defining major national issues. This happened essentially through their commitment to, and their redefinition of, the public sphere, through which, for the first time it seems, features of an autonomous *public* sphere developed, i.e. one in which private persons committed themselves to public issues and policies, issues by which they had only been indirectly affected. This happened in three principal areas to which I am referring here: Women’s rights, human rights, and Berber (Amazigh) rights. Their activities had a direct impact on citizens concerning their own position vis-à-vis the state, and triggered increasing involvement in public issues. I will illustrate this by studying a clash between a well-known journalist, Khalid Jamaï, and the then Minister of the Interior, Driss Basri, in 1993. By challenging state ministers’ handling of specific national

questions, Jamaï and others participated in the definition of a new public sphere. in which matters of *how* issues were dealt with preceded questions of *who* was dealing with these issues.

Special attention will be given to a new milieu of women's rights activists, in order to illustrate the development of autonomous public spheres outside the direct reach of the state. This challenged the state's position as the guardian of 'public morality', but through the use of an independent media and even Moroccan cinema, the values that this public sphere expressed remained outside the direct control of the state. Consequently, the state had to create different methods of control and boundary setting.

Section One will address the main objective of this chapter: to show that associations developed new strategies that centred on a rejection of the political system's bifurcation, as described in the previous chapter. This allowed them to become active and relatively successful, which had important impacts in other milieus, such as the Berber milieu, but also the media. Because of this central strategy, the state accepted these players and became active in addressing the same single issue. It will then be suggested that certain features of political change that are referred to by many authors (the early release of political prisoners, more citizen's participation and freedom of press, more responsiveness to women's issues) are a result of the state's involvement in the same issues. This will be addressed in the second section. The third section discusses some of the other domestic and international factors that had played in favour of the state's increasing acceptance of these 'new' organisations of civil society.

In this chapter I am concentrating on changes that happened between 1985 and 1993. I am considering this period as the foundation for those associations that became active later on. This is because they were the first organisations to experiment with a 'self-limiting' framework. After this period, the state began to adjust its responses to these civil society organisations, the result of which was a broadened public sphere.

4.1 Section One: The Appearance of 'new' organisations

4.1.1 A political question: Civil Society and the protection of human rights

When Morocco's two human rights groups, the LMDH and the AMDH, were unable to operate, when they were subject to political considerations and massive repression, human rights activists were forced to rethink their strategies. These were based on rebuilding a discourse on human rights that was based on non-partisan and non-confrontational politics.

Newspapers generally refused to publish manifestos of those two existing human rights groups, for fear of persecution or newspapers' alignment to political parties. After 1983, the year of the AMDH's break from the USFP and its alignment with the PADS, a USFP splinter group, it entered into a phase of enforced inactivity as the government repressed it.

Its existence was never formally acknowledged by the Moroccan authorities, and in May 1983, it was barred from holding a general assembly. The radical wing of the USFP, to which most AMDH members belonged, was simultaneously under attack, and within a week, several of its most active members were under arrest. Their imprisonment, and the concurrent ascendance of the USFP mainstream, sent the AMDH into reclusion for several years.¹⁹²

While the two human rights associations were inactive during the period from 1982 to 1987, a small group of USFP activists around the lawyers and university teachers Abdelaziz Bennani and Omar Azziman¹⁹³ began to discuss the possibility of creating another human rights organisation. In the beginning, the idea was to found a 'human rights front' with the AMDH and the LMDH, but this foundered on the issue of partisan politics. Eventually, a committee of

¹⁹² Susan E. Waltz: Human Rights and Reform. Changing the Face of North African Politics (London and Berkeley: University of California Press, 1995), p. 145.

¹⁹³ Azziman became later Minister of Human Rights (1993-1995) and Minister of Justice (1997-2002).

nearly forty people drew up a draft that would become, in 1988, the OMDH's charter. This *plateforme constitutive de l'OMDH* expressed the necessity for defending human rights in Morocco in the following terms:

Each day, the issue of promoting human rights becomes increasingly...urgent. This issue is not new or modern. It finds its roots in the traditions of Moroccan society and in our Islamic patrimony. Moreover, the fight for independence led by the Moroccan nation, King and People, illustrates the deep connection between the liberation of the country and the rights of citizens, their individual and collective liberties.¹⁹⁴

The activities of the OMDH ranged from petitioning for the release of political prisoners and for changes in law, to challenging legal decisions. It asked questions about political opponents who had disappeared in the previous 30 years, and enquired into reports of torture and death in prisons. In the first year of its existence, it released thirty two declarations and manifestos, and only five months after its official foundation in December 1988, thirty five political prisoners, most of them held at Kenitra Central Prison since 1977, were released. This new activity and its early success on the human rights front had its impact on the hitherto dormant human rights groups. Thus, the AMDH held its congress in the early months of 1989 without resistance from the authorities and in March it issued a press release calling for a general amnesty to liberate political detainees and to allow the repatriation of political exiles.¹⁹⁵ Interestingly,

[S]uccess made rivalry with the parties predictable. During the USFP conference in late March, applause for OMDH observers recognized from the podium lasted some 10 - 12 minutes, and competition thereafter was inevitable. According to one participant, this was a moment of truth for Morocco's political parties: human rights were an issue around which Moroccans could be mobilized; by linking social and economic grievances to politics, the concept of human rights acquired enormous potential as a political weapon.¹⁹⁶

¹⁹⁴ OMDH: *A travers ses communiqués et déclarations*. Mai 1988 - Mars 1991 (Casablanca: Editions Maghrébines, 1991), p. 7.

¹⁹⁵ Waltz, 1995, op.cit. pp. 148-9

¹⁹⁶ Ibid. p. 149.

The success and support of the *Organisation Marocaine des Droits de l'Homme* in its early years resulted in what many observers called a change of climate in Morocco, conducive for the protection of human rights and the rule of law. This was evidenced in greater civil and political liberty and a more open treatment of human rights issues in the media. In fact, it is possible to speak about an explosion of the human rights issue, in which the state apparatus and the monarchy have taken an increasingly dominant part.¹⁹⁷

4.1.2 Association Marocaine des Droits de l'Homme in contrast to Organisation Marocaine des Droits de l'Homme

The two human rights groups, the *Organisation Marocaine des Droits de l'Homme* (OMDH) and the *Association Marocaine des Droits de l'Homme* (AMDH) illustrate the state's different handling of human rights groups depending on the strategies adopted by a particular group - a challenge to the state's hegemony or a challenge to the state's legitimacy - connected with street politics that question the state's ability to create law and order. To recap: in Morocco a ruler's legitimacy had traditionally been connected with the presence of law and order in the street (see Chapter Three). In the Moroccan context, street politics therefore challenge the régime's legitimacy, and not its hegemony. The AMDH directly challenges the régime's legitimacy by pointing out essentially democratic deficits, and by refusing to accept the monarch's traditional legitimacy and the centralisation of power in his hands. It repeatedly showed this refusal by turning down the monarch's offer to participate in the Royal Advisory Council for Human Rights.

Consequently, the factor that has determined the régime's reaction was first of all a group's political stance vis-à-vis the régime. Other factors included its relative strength, its perceived effectiveness and popularity. The OMDH's co-operation with the régime and the AMDH's refusal to do so, as well as the élite character of the OMDH's personnel, all resulted in ability of the OMDH to work without being subject to repression on one hand (the organisation did not offer

¹⁹⁷ I will analyse this in Chapter Six

the Moroccan state much occasion to intervene), in contrast to the occasional repression that the AMDH experienced on the other. Moreover, the new strategy of the OMDH was to stay out of party-based politics, and not to engage in the power struggle that entailed sympathies with certain political formations. As a member of the OMDH's central bureau puts it:

We have two schools of human rights organisation in Morocco. The difference between the OMDH and the AMDH is that the AMDH is tempted by politics. They try to do politics with their organisation, whereas the OMDH tries to stay out of politics. They have another ideology.¹⁹⁸

Much like the political parties' approach to the political system, the OMDH's ideology corresponded to an acceptance of the political status quo whilst keeping out of party-based struggles. In contrast, essentially due to the AMDH's radical ideology, the AMDH has been vulnerable to radical party's influence (such as the PADS). This continued when former political detainees from other extreme leftist currents joined the AMDH after their release in the early 1990s. Their long-time president Abderahman Benamour (until 2001) has been at the same time the leader of the *Parti d'Avantgarde Démocratique et du Socialisme* (PADS). The AMDH's working together with the *Forum Vérité et Justice* and the Unemployed Graduates Association violates and goes beyond many aspects of Morocco's past and present 'national consensus': it calls for public trials of violators of human rights, an end to privatisation campaigns, and constitutional changes concerning the monarchy's powers. Moreover, through its co-operation with the Unemployed Graduates Association, it calls into question the monarchy's stance and position in the economy and demands increasing public sector employment. Their means of campaigning, also, are one of the most sensitive, as they are based on popular mobilisation and street politics. It has 44 sections in Morocco, and is thereby locally present all over the country. One militant explains the objectives of the AMDH in the following way:

We try to protect all rights: political, social, economical, and cultural. It depends on the situation. At the moment, economical restructuring results in many people becoming

¹⁹⁸ Chouib Mellouk, interview with the author, Rabat, 20 May 2002.

economically very vulnerable when they get fired from their workplace. But we also want the authorities to tell us the truth and we want justice for human rights violations in the past. We want the names of people in charge and if possible to try them. The King has offered the constitution, to protect the monarchy and certain people. He has chosen, with consultation, the Prime Minister, there was no democratic process. Article 19 of the constitution gives him all powers to do whatever he deems necessary. We are continuing the struggle to change the constitution.¹⁹⁹

All this demonstrates that in contrast to the approach of the AMDH, that of the OMDH was 'single-issue' and 'self-limiting,' as far as the protection of human rights allowed this. The OMDH attempted to create discourses (declarations, petitions, conferences, etc) rather than popular based pressure (public rallies, demonstrations). More than anything else, it was this strategy that allowed them to assume a more active role at the end of the 1980s.

4.1.3 A Social-Cultural Question (1): Women's rights and the Association Démocratique des Femmes du Maroc (ADFM)

A comparable case in the socio-cultural arena was the ADFM, which was founded by Amina Lmrini in 1985, out of the women's section of the Communist *Parti du Progrès et du Socialisme* (PPS). Lmrini was responsible for the women's section and a member of the central committee of the PPS. Until today, the ADFM has stayed an association with links to the PPS. However, in its own view, it does not allow party politics to influence the association in its struggle for the rights of women. The conflict between women's rights and party politics in countries like Morocco arises from the controversial character of women's rights. These rights contradict the party tactics of presenting as broadly based a picture as possible during elections. Rajah El Habti, a women's rights activist, explains this in the following words.

In a party, the question of women has never been a political question, but only a social question. That is why it was important for the ADFM to become completely independent

¹⁹⁹ Mohamed El Boukili, interview with the author, Rabat, 17 January 2001.

from the party, in order to develop its strategies independently from party strategies, to be able to work more efficiently for its cause. For example, when the Family Code, the *Moudawana*, was to be changed, or rather when the changes were proposed in 1999-2000, we were criticising the government for not acting. The PPS, however, was part of the government, thus we acted against the interests of the PPS. When the PPS was in the opposition, the same happened when we wanted that the *Moudawana* was part of their election programme. But the party was against this, for its own strategic, political, and ideological reasons. For them, the priority was the economy, financial laws, the constitution, or whatsoever. The parties want to keep their seats in parliament or in politics in general, that's why all women's associations that are directly associated to a political party can't work for their cause.²⁰⁰

This shows that the organisation of women's interests in political parties leads to a dismantling of political structures that, as in Morocco, have not been designed to act as real systems of interest accumulation and articulation. In this situation, the autonomy of interest-representation (such as women's rights) becomes a necessity. As the same militant argues,

Moreover, within political parties, women are usually weakly organised and under-represented. Even in the PPS, you find women standing for elections usually in constituencies that are not important or that don't have much chance to win, that are poor financially and thus poor in opportunities to do anything. The leadership, and the majority of constituencies that have a good chance to win, are dominated by men.²⁰¹

As with many other women's associations, the *Association Démocratique des Femmes du Maroc* (ADFM) is pre-occupied with the need to change Moroccan family law - the *Moudawana* - that is still in large parts governed by Islamic *Shari'a* law. The ADFM rallied against the institutional male tutelage that, for instance, required women to have the permission of a male relative or of a husband before they were allowed to work. The Royal decree on 13 July 1995 changed this after a nation-wide campaign in 1993.²⁰²

²⁰⁰ Rajah El Habti, interview with the author, Rabat, 6 February 2001.

²⁰¹ Ibid.

²⁰² The process will be examined in the later part of this chapter.

The ADFM helps women to find employment, it pursues a continuous literacy campaign, and it gives legal advice to women in matters subject to civil law (family, work, etc.). It also organises petitions, workshops, and seminars with topics such as *le statut juridique de la femme à travers le code du statut personnel*, *l'image de la femme dans le cinéma marocain*, and *la place de la femme dans le système éducatif marocain*. It does so because it understands itself as an explicitly political association, being primarily concerned with raising awareness through educational programmes.²⁰³ That means “we don’t work primarily in direct action with women, direct aid, as we don’t want to change or help the life of maybe 10 or 20 women, but we do want to change the life of all women in Morocco.”²⁰⁴ Hence, the establishment of legislation based on equality between men and women is the main aim of the ADFM. This goes beyond the prime focus on civil law, so that the ADFM also had aims such as the recognition of sexual harassment as a criminal offence. However, they recognise that “if you change the law, you haven’t changed the mentality of the people. That’s why we have a programme of Equality Education.”²⁰⁵ The ADFM is not based on a popular movement in popular areas, and it does not have a huge presence on the ground. The reason is that the ADFM’s strategy is first of all that of intellectually contributing to a broad discussion about women’s rights, within a wider discussion of human rights. Thus, it is in the first place an intellectual organisation lobbying for political change, and *not* a political organisation aiming at mobilising people on behalf of power-oriented politics (for which a mass-based organisation might be necessary). On the contrary, it targets the media and works as a lobbying force for women’s rights and only indirectly for more democratic changes in Morocco. In fact, its democratising potential lies much less in its ideology or rhetoric, but more in its participation in national discourses, which is why it became a recognisable political force, first when in 1993 it organised a petition for changing the Islamic family code, *Moudawana*. “We work with intermediaries, not directly with the masses. With teachers, the

²⁰³ The same applies to women association such as Youssour, or the UAF.

²⁰⁴ Rajah El Habti, interview with the author, Rabat, 6 March 2001.

²⁰⁵ Ibid.

media, political parties, trade unions, and youth organisations.”²⁰⁶ This might be regarded as its strength, in terms of long-term social and political changes (more female participation in politics and more equitable gender relations within the family), which are now certainly underway in Morocco. As a socio-cultural movement, however, an intellectual movement like the ADFM is losing ground to the Islamic movement, especially as they seek to occupy the terrain on which the Islamic movement seems to be the strongest: that of social changes that for many people seem to be connected with a decrease in public morality. As I will illustrate later in this thesis, this was necessary when street politics became the means through which political outcomes were decided.

As the OMDH, this organisation’s strategy was based on the rejection of political parties’ interference and on the absence of ‘mass-politics’, which might have questioned and delegitimised the state’s patriarchal organisation. Instead, as the OMDH, it focused on the initiation of a discourse through intermediaries, such as journalists, schoolteachers, lawyers, etc, avoiding a directly radical political message that could have been connected to human rights. As will be seen later on in this thesis, this made them, along with the OMDH potential interlocutors for the régime, and this despite what women’s activist describe as a hostile Arab-Islamic cultural framework.

4.1.4 A Social-Cultural Question (2): Association Marocaine de Lutte contre le SIDA (ALCS)

Similar considerations apply to the ALCS. This remarkable association was the first association that worked on a theme that has been subject to a virtual taboo in North Africa and in the Middle East, that of AIDS (French: Sida) and sex education. It was founded in 1988 by the medical doctor Hakima Himmich in Casablanca, and was the first advisory institution in North Africa to campaign for the use of condoms. It offered sex education, and talked about sensitive subjects such as homosexuality and prostitution.

²⁰⁶ Ibid.

In doing so, the ALCS replaced the state: The state being a political, public, and an Islamic agent in Morocco and because of the sensitive nature of the subject, the state had not been able to work on AIDS in the same neutral way (denying for example the existence of sexual relationships outside marriage, not to speak of homosexuality, prostitution, and AIDS in general). Hence, although since 1986 the state had had a Ministry of Health programme charged with protection against AIDS, the ALCS's function was to provide potential victims with a social space of administrative freedom (the state's administration being for the above reasons biased towards the question) within which they could get anonymous advice on the topic. Because of the high illiteracy rate, especially among women and the lower classes, the ALCS used audio-visual means in its sex education campaign to achieve better results (slides, videos, etc.). Since 1989, it has operated anonymous call centres in Casablanca, Fes, Rabat and other major cities. One of its major projects has been a research project among prostitutes about their attitudes towards AIDS, and the elaboration of information material for them.²⁰⁷

As Morocco's official language did not allow for the existence of prostitution, this project violated public morality, and thus drew criticism from the Islamic milieu. The use of condoms and the propagation of safer sex were considered to be allowing and supporting immoral sexual relationships outside the tenants of Islam, i.e. marriage. Answering this criticism, Hakima Himmich responded to its Islamic critics:

If you could guarantee that all Moroccans do not have sex before the marriage and are faithful during the marriage, we would immediately dissolve our association.²⁰⁸

Because of the freedom that it offered to different lifestyles and to differing types of people, Hakima Himmich considered ALCS to be part of civil society, as it allowed the free expression of difference, even if this was possible only on the premises of the association.

²⁰⁷ Hegasy, 1997, op.cit. pp. 151/152.

²⁰⁸ Hamit Bozaslan, Monnia Bennani-Chraïbi, Rémy Leveau (ed): Acteurs et Espaces Politiques au Maroc et en Turquie (Berlin: Centre Marc Bloch, 1996), p. 93.

When you open our door at our headquarters in Casablanca, you find yourself immediately projected into a real tower of Babel. There is everything: Catholic sisters in strict posture, a young homosexual not at ease in his identity who finds at last a free space of tolerance, passing by a disappointed political militant and a real member of the bourgeoisie. All these identities, so different, sometimes contradictory, coexist in mutual respect, because they are fed by the same will: to minimise the impact of AIDS in our society though listening to the choices and realities of individuals. And it is this conception of a civil society, a plural civil society, constructed out of the respect for others in their difference and diversity, which animates us in our action, in our day to day fight against the virus.²⁰⁹

This illustrates for Hegasy and her conception of civil society- based on the accommodation of difference²¹⁰ - that the ALCS offered a new interpretation of society against the official and the Islamic version that had been built up into a monolithic stereotype. In the context of this thesis, the ALCS' potential to push the controversial topic of AIDS into national notice is a clear sign of the changing features of the public sphere. Here, non-state actors define a national issue, assert their individual responsibility and expertise, and adapt the discourse to a socio-cultural framework that - in contrast to the Western discourse on AIDS that has been marked by exclusion - aimed at denying its existence and corresponding measures for its 'moral' sensitivity.

As a sign of this, Himmich started to engage in a number of critical public debates and even publicly criticised the then Minister of Health, Abderahim Harushi, for refusing to broadcast TV spots on the issue - a novelty in Morocco's officially controlled national TV. All this shows how social interests were now being channelled into the national context. Consequently, in 1993 Himmich was allowed to explain her project on national TV, and in the same year it had even gained the status of a *utilité publique*, a status that had hitherto been restricted to

²⁰⁹ Hakima Himmich and Latefa Imane: 'Les ONG au Maroc, pour une société civile à l'identité plurielle. Le cas de l'Association Marocaine de Lutte contre le SIDA', in Wolfgang Heinz: La Société Civile dans les Pays du Maghreb. Discours et Réalités. (Brussels, Fondation Friedrich Naumann, 1993), p. 84.

²¹⁰ See page 43 of this thesis.

associations directly created by the Palace.²¹¹ This was despite the fact that it had been ignored for years by the Moroccan press. Only *8 Mars* and *Kalima* had covered the topics of prostitution and AIDS.²¹² In 1992, Himmich was nominated the woman of the year by the journal *Première Heure*. Although the Royal press (*Le Matin du Sahara et du Maghreb*) ignored her appearance on the then private channel 2M, the opposition press talked of a cultural revolution. According to the newspaper *Casa vite fait*

This programme warmed up our heart, and gave us confidence. As a friend said “Hakima Himmich in *L'Homme en question* is a cultural revolution.” Nothing less than that! And it is true, the next day in the bookshop we saw a number of people impressed and touched. These friends, clients, and benevolent volunteers wanted to give her their support, as they suffer like Himmich from the evils of our society and want to fight against the inertia.²¹³

The effect that this association has had on the official treatment of AIDS has been immense. It has broadened the public discourse about the social problems in Moroccan society, so that AIDS and related social problems such as prostitution and homosexuality have entered the official discourse and are recognised as realities that demand responsible non-discriminating action. The side-effect of voluntary action against AIDS has been the creation of difference and diversity and with it tolerance as the basis for citizenship: “Being from different backgrounds, the volunteers of ALCS have to obey only one Charter, one that leaves out all considerations except for the respect of the individual, whatever is his political colour, race, or beliefs. And it is this conception of a civil society, a plural civil society, constructed out of the respect for others in their difference and diversity, which animates us in our action, in our everyday fight against the virus.”²¹⁴

²¹¹ See Ghazali, 1991, op.cit. p. 252.

²¹² Hegasy, 1997, op.cit. p. 152.

²¹³ Quoted in Hegasy, 1997, op.cit. pp. 152/153.

²¹⁴ Hakima Himmich and Latefa Imane: ‘Les ONG au Maroc, pour une société civile à l’identité plurielle. Le cas de l’Association Marocaine de Lutte contre le SIDA’. in Wolfgang Heinz: *La*

The ALCS is another example of a single-issue organisation, which started to build up a discourse on a controversial topic such as AIDS, and it had the same features as that of the OMDH and the ADFM: It stayed out of the immediate 'political sphere', had 'self-limiting' features, and concentrated, as the above quotation illustrates, on the demands of their particular issue rather than the socio-political environment.

4.1.5 An Identity question: The Berber Issue

The Berber question has followed a similar logic as that of human rights and women's rights. Although all major Berber associations had already existed before the time period under consideration, the major event of the 'Charter of Agadir' transformed their formerly cultural status into an explicitly political one.

Administrative intervention into Berber areas and affairs had resulted in transforming 'Berbers' as a cultural-traditional unit into an administrative-political unit, which followed Moroccan modern nationhood and nation-building. This had already started under French colonial rule with the so-called 'Berber *dahir*' (1930), which attempted to divide Morocco in two different administrative zones. Reflecting social and legal realities, Berber customary law was to be the basis of jurisdiction in rural areas, whereas Islamic *Shari'a* law was to be the basis of jurisdiction in urban areas.²¹⁵ After independence, the Arab nature of the state became, along with Islam, the major ideological pillar of statehood. Next to French, classical Arabic became the official language, taught at schools and universities, and broadcasted on national radio and TV. As activists see it, this was largely at the expense of Berber culture and language. Citing as an example the so-called 'Berber school of Azrou,' militants see that the Berber language *tamazight* stopped being taught at schools shortly after

Société Civile dans les Pays du Maghreb. Discours et Réalités. (Bruxelles, Fondation Friedrich Naumann, 1993). p. 84.

²¹⁵ When the Sultan Mohamed V refused to sign the *dahir*, it became the focus of Nationalists' agitation against the French. The French were considered to have transformed the Islamic character of Morocco. See for instance John P. Halstead: Rebirth of a Nation. The Origins and Rise of Moroccan Nationalism (Cambridge MA: Harvard University Press, 1967), pp. 178-190.

independence. Nevertheless, various estimates suggest that at least 50 percent of Morocco's population is ethnically and linguistically Berber.²¹⁶

The first Berber association was founded in 1967. It called itself *L'Association Marocaine pour les Echanges Culturelles*, thereby avoiding the mentioning of the word 'Berber' or the use of Berber language in its name. It was an early sign of a movement to defend the authenticity of the Amazigh culture. 1978 saw the creation of the Association *Al Intilaqa Attaqafia* (Relance Culturelle), and the *Association Nouvelle Pour la Culture et les Arts Populaire* (ANCAP), in 1996 renamed *Tamaynut*. The foundation of these associations was considered to be "against pan-Arab policy, because we felt like an arabised people."²¹⁷ In 1979 another Berber association joined the three others, the *Université d'Eté d'Agadir*.

As with human rights and women's rights, the political party system had been unable to articulate the Berber issue effectively. In fact, the main political parties have never been interested in the Berber question or Berber associations, a fact which has given this political movement a certain unity that other movements lack. For one Berber militant, the absence of party interest and even a certain Arabo-Islamic hostility against Berber language and culture has been the principal motive behind their struggle for official recognition.

The political parties' attitude is the principal question. They have never done anything, since independence. In the programmes or statutes of the political parties, there is no mentioning of Berber culture. Nobody has ever demanded anything connected to the Berber language. Not even Aherdane's *Mouvement Populaire*, which had been created by the administration and the Makhzen in order to create an equilibrium. Aherdane has always voted for the Arabs. He always wanted to create a Berber association, but he never found the people willing to play his electoral game.²¹⁸

²¹⁶ Pierre Vermeren estimates the percentage of Berber speaking Moroccans to be at 50 percent. *Le Maroc en Transition*, (Paris: La Découverte, 2001), p. 122. David M. Hart estimates that Berbers represent 40-45 percent of the Moroccan population: See David M. Hart: 'Scratch a Moroccan, find a Berber' in David M. Hart: *Tribe and Society in Rural Morocco* (London: Frank Cass Publishers, 2000), p. 23.

²¹⁷ Interview with Hassan Ashmouh, secretary-general of *Tamaynut*, Rabat. 17 April 2002.

²¹⁸ Ibid.



As this expression illustrates, the so-called Berber based party *Mouvement Populaire* - as an explicitly supportive structure for the monarchical system - never succeeded in representing Berber cultural issues, even though its president, Mahjoub Aherdane, pretended to be interested in Berber cultural authenticity.²¹⁹ Hence, alienated by its political élite, co-opted and without ideological orientation, the unity of the movement expresses itself in a *we* against *them* consciousness that unites for instance militants of *Tamaynut* with the 1967 association AMAREC. The history of one Berber association has a direct impact on other Berber associations. The history of any one association is considered to be the history of all associations. This is because history, cultural roots and demands are essentially the same, as is their position at the outskirts of the political game:

In each game there are always some people who are afraid to lose. A member of the government might lose the elections, a political party their social space. There are quite a few parties who are afraid that associations will take their role in the development of the country. The associations are more active than the political parties, which do nothing. The Arabists are afraid, especially those who have a mentality that comes from the Middle East. And of course the Islamists. ... Arab solidarity? The Arabs they have all means in order to mobilise the people for the Arab cause. We have nothing, and if we want to do something, we do not get the authorisation.²²⁰

In 1991, six associations²²¹ joined forces and signed on 5 August 1991 the Charter of Agadir, in which Amazigh demands were for the first time formulated. Five other smaller Berber associations subsequently signed the charter, which denounced “the systematic marginalisation of the Amazigh language and culture”²²² and declared its intention to promote the recognition of *tamazight* as an official language along with Arabic. Moreover, it demanded the

²¹⁹ See page 71/72.

²²⁰ Interview with Hassan Ashmouh, secretary-general of *Tamaynut*, Rabat, 17 April 2002.

²²¹ *Association Marocain de la Recherche et l'Échange Culturelle, Tamaynut, L'Association de l'Université d'Été, Tilleli, l'Association Ilmas, L'Association Culturelle de Sous.*

²²² Quoted in Bruce Maddy Weitzman: ‘Contested Identities: Berbers, ‘Berberism’ and the State in North Africa’ in *The Journal of North African Studies*, Vol. 6, No. 3, Autumn 2000, p. 31. For the full charter see <http://www.mondeberbere.com/mouvement/charte.htm>.

“integration of the *Amazigh* language and cultures in various areas of cultural and educational... programmes” and the “right to have access to the mass media (written, audio, and visual).”²²³ It was the first time that Berber associations were allowed to become publicly active, and they subsequently started to influence the public discourse on identity. The internal political climate had already started to tolerate the activities of these groups:

In the early 1980s there was too much political repression. In 1981, for instance, Ali Swidqi Azoyiko got arrested, for putting forward a re-writing of History and Language. Each attempt and all activity was repressed. With foreign pressure and the activities of human rights organisations such as the OMDH, Berber associations could open the door of activity. Moreover, the régime needed the image of opening up.²²⁴

The points that are similar with those ‘single-issue’ organisations in the socio-cultural and the political realms are that these Berber associations felt badly represented by the political party system, but also that the political party system attempted to represent these interest but ultimately failed (*Mouvement Populaire* under Aherdane). The system of patronage, which structured the political sphere, had a negative impact on the representation of Berber interests in politics. As with women’s rights and human rights, the articulation of these interests outside of the political realm was a consequence of this patronage, and when the human rights group OMDH successfully started to create a discourse based on political freedom, the Berber associations used the political space that was suddenly available to articulate their own demands (the Charter of Agadir), thereby shaping the discourse of national identity and Berberism.

²²³ Ibid.

²²⁴ Ahmed Arehmoush, interview with the author, Rabat, 17 April 2002.

4.1.6 Corresponding Transformations in the Media

In other sectors of civil society, such as the media, similar strategies (single issues, 'self-limitation') were also used as a way of challenging dominant discourses. The following three examples, of which two treat women's affairs and one is directly concerned with the discourse about citizenship, illustrate that the initiation of human rights and women's rights discourses had an effect on how the media treated these topics. The first two examples illustrate the emergence of a milieu consisting of NGO-activists, whereas the third example illustrates how an individual journalist's challenge of the state's hegemony had been the result of the administration's prior interference in personal life. Together, they give testimony to the changing political discourse that the 'new' groups of civil society were able to initiate, and how they thereby challenged the state's hegemony.

One of the most important journals that initiated a certain transformation process in the 1980s was the francophone weekly *Kalima*. Despite being forbidden in April 1989 because of some articles on homosexuality, it influenced the discussion of women rights, prostitution, and violence against women. Focusing on women's affairs, it touched the taboos of Moroccan society and of the political system that preferred silent and passive women. It thereby established the roots for a discussion about citizenship in Morocco, which started in the early 1990s and has not yet stopped (this will be discussed in more detail later on).

Kalima is first of all a place where female words can be freely deployed and heard, by women and men. We don't adhere to the old ideal of the silent women, which gives only men the right to speak. An old silence has drowned, congealed, and denied old conflicts, avoiding therefore any kind of movement. When only one person speaks, he is always right.²²⁵

Most journalists that worked for *Kalima* either had been active in the NGO sector or were to become active in the following wave of NGO foundations.

Nourreddine Ayouch was the publisher of the journal, and he later assisted many associations in his advertising agency *Shem's*. The journalist in charge of *Kalima* was an anthropologist, Hinde Taarj, who has been working in a small project of divorced women (*Solidarité Feminine*), and who was particularly concerned with the fate of single mothers and their children. For her, civil society should be a place in which it is possible for a new self to develop, one not forced into stringent categories:

For me, civil society means the idea of the 'place of expression' a place in which the self can be affirmed. This is in my eyes the new space in traditional societies where the individual has the possibility to affirm himself. We see in our Moroccan society the emergence of the individual. Until today, the individual has been completely drowned in the family group in order to find himself in political structures, which reproduced the same culture, the same attitudes as those of the family.²²⁶

Kalima had a special importance because it provided space for its readership to engage themselves in the topics that it treated. 'Letters to the Editor' invited readers to reflect and to discuss the arguments of *Kalima*, thus the journal provided a base within which its readership could formulate a public critique. For example, the reports on the professional life of women excited much interest. The lawyer Abderrahim Berrada, who had been one of the best-known lawyers acting for political prisoners, advised the readership of *Kalima* on legal issues. One reader expressed her admiration for this activity in the following words:

My greatest respect and my real admiration go to the 'boutique du droit'. What Abderrahim Berrada does is really efficient and so courageous. At last the law – this mystery – is explained and clearly illustrated, so that the people know what it is and everybody takes his responsibility. Is not this what democracy is all about?²²⁷

²²⁵ *Kalima* February 1986. Quoted in Hegasy, 1997, op.cit. p. 118.

²²⁶ Hinde Taarji: 'Le rôle des Femmes dans l'Émergence de la Société Civile au Maroc. In Wolfgang Heinz (ed): *La Société Civile dans les Pays du Maghreb. Discours et Réalités*. (Brussels: Friedrich Naumann Stiftung: 1995). p. 52.

²²⁷ *Kalima*, Novembre 1986, quoted in Hegasy, 1997, op.cit. p. 121.

Kalima, as its Arabic speaking counterpart *8 Mars*,²²⁸ can be regarded as one of the first publications that started the discourse on political and social reforms that have been on the political agenda since the early 1990s. This did not only include human rights and political prisoners, but also included such topics as the status of women, thereby indirectly questioning the authoritarian state and its foundation, the authoritarian paternalistic family. All this was combined with a call for the inclusion of women in society and politics. *Kalima* called on women to know their rights and to use them in their everyday lives. All this, as Hegasy observed, confronts and refutes the monopolisation of history, morality and society that is characteristic of the Islamists' discourse.²²⁹

Other attempts at influencing the public sphere used the cinema to create alternative models of society. These also influenced public opinion on such culturally sensitive matters as the status of women. The film director Mohamed Abderrahman Tazi can be regarded as one of its most important representatives. For him, the cinema and TV had paramount power in Morocco, as both media could address important questions to women that are of high concern to them. Due to the high levels of illiteracy among women, they are denied information or ideas from the printed media.

We are in the century of pictures. Our Moroccan society, with its 60% illiterates, is no longer illiterate when it comes to images. A documentary of thirteen minutes, a clip of two or three minutes, diffused over a TV antenna has more impact than any other means of communication, knowing that the number of TV viewers can easily reach 10 million.²³⁰

Tazi produced movies that criticised patriarchal domination structures. His movie *Badis* (1989) took up the stories of two women trying to find a better life elsewhere. His first big success came with *A la recherche du mari de ma femme* (1993) that also became one of the biggest international successes of Moroccan

²²⁸ This was directed by the president of *Union Action Féminine*, Latifa Lbabdi. It still appears periodically depending on its financial situation.

²²⁹ Hegasy, 1997, op.cit. p. 158.

²³⁰ Tazi, quoted in Fatima Mernissi (ed): *Carnet d'Adresses - 35 Contacts*. (Rabat: no publisher. 1992). p. 17.

cinema. In this film Tazi used wit and humour to criticise traditional Islamic law: Hadji Ben Moussa repudiates for the third time his younger wife Houda. According to *shari'a* law, he can only remarry her if she has been married to another man in the meantime. Hence, he looks for a man to marry his ex-wife, only to get divorced so that he can marry her again. The message of the movie can be summarised as follows:

The spectator realises that a polygamic man is nothing but someone without any morals. And that the (unsubmissive) women no longer wants to be a product subject to merchandising.²³¹

Within a year, more than 500,000 Moroccans saw this film, which was one of the first films shot using the Moroccan dialect rather than classical Arabic. Newspapers, seminars, and teachers used that film to question Morocco's rigid gender-divisions and to illustrate the problems that polygamy creates. It can be regarded as an important part of the 1993 attempts of Moroccan feminists to change the *Moudawana* and to abolish polygamy in Morocco. The director frequently worked with a group of feminists and academics, and started a programme of video clips in 1990 to make the wider public aware of existing social contradictions.

In 1990, within the framework of *Femme Maghreb Horizon 2000* consisting of academics, sociologists, jurists, artists, and journalists, we made social video clips. This was aimed at entertaining the North African public with the absurdity of certain misogynous attitudes that are current in our society. It was an attempt to educate and change the mentalities, de-dramatising the subject that is causing so much anguish: manhood.²³²

This shows how under pressures of modernisation, a corresponding rationality had migrated from the private into the public sphere. It illustrates how decisions and motives had been created within power-free zones, outside political party or government's zones of influence, just as Habermas has observed in 19th century

²³¹ *Algérie Actualité*, 21 December 1993, quoted in Hegasy, 1997, op.cit. p. 126.

²³² Mohammed Tazi: *Média et Droits de l'Homme*. (Rabat: Manuscript, 1994). p. 4, quoted in Hegasy, 1997, op.cit. p. 124.

European public spheres.²³³ The difference, of course, is that in the Moroccan context, the absorption of modern mass media techniques and the replication of Western models of communication meant that its development was much quicker than it had been in 19th century Europe.

4.1.6.1 Defensive Challenging

The preceding subsections illustrated the appearance of self-limited associations and their initiation of self-limiting discourses. It has been argued that this had been a result of the failure of Morocco's multi-party system to accommodate social, cultural, and political interests and values. The following third example from the media demonstrates that self-limited criticism of the state's hegemony in the public sphere had also been a reaction to the administration's intervention, which is why I call this challenge 'defensive'. In this example the state's highest representative directly questioned a journalist's individuality, i.e. he denied him the rights of citizenship.

The defensive challenge to the state's hegemony about the acceptance of citizenship took the form of a published conflict between one of the best-known Moroccan journalists, Khalid Jamaï, and the Minister of the Interior, Driss Basri. At the time of the conflict, which manifested itself in an open letter that Khalid Jamaï published in the newspaper *L'Opinion* on 12 November 1993, the Minister of the Interior, Driss Basri, was regarded in Morocco as the most powerful man next to the King.

The origin of this open letter was a conversation between the Interior Minister and the writer Jamaï. In this conversation, Driss Basri demanded him to explain one of his articles, in which he had criticised '20 years of election fraud' and the 'illegal establishment of a one party system.' During his conversation, Jamaï answered to his questioning with reference to the misbehaviour of the government that had ignored the rules of free and fair elections, laid down by the monarch himself. Thereby, he criticised the Interior Ministry's role in election

²³³ Jürgen Habermas: The Structural Transformation of the Public Sphere, (Cambridge MA.

rigging. The fight over citizenship was epitomised by the question in Moroccan dialect *Chkoun n'ta?*, meaning 'who are you [to criticise ME]?' that Driss Basri apparently asked the journalist Khalid Jamaï. Jamaï had no right to criticise the highest representative of the *makhzen*, and he was thereby reminded of the insignificance of his person.²³⁴

In an open letter, Jamaï consequently turned this question onto the Interior Minister. This can be regarded a spontaneous expression of a sense of citizenship in contrast with the notion of subject embodied in the religious and 'this-worldly' connotations of the *makhzen*.²³⁵

As an answer to this denial of his right to citizenship, Jamaï referred to the constitutionally guaranteed, but neglected, rule of law. According to Jamaï, the principles of the rule of law conferred the ultimate guarantees against tyranny. Using the Islamic parable of the 'Good Caliph' he demanded the acceptance of the European conception of *jus naturalis* with the consequent establishment of a sense of citizenship. For Jamaï this meant primarily that all people in a country had as citizens the same rights, which - in his opinion - signified that it is the citizens' duty to criticise their government, which consisted - after all - of nothing other than a group of responsible co-citizens.

'Power is example and not force'. Does this constitute a response to your eternal question 'Chkoun n'ta'? I spoke to you from citizen to citizen. A Minister, even if Minister of State, should be first of all a citizen: if not how should he understand his co-citizens? When Abou Bakr Saddik was proclaimed Caliph, he declared to those that had put him on this post: 'I am not better than you. If I do well, help me. If I do wrong, correct my

MIT Press, 1989).

²³⁴ Mohammed Mouqat: 'Le Mouvement des Droits de l'Homme au Maroc. Du Mahzen à l'État du Droit' in *Annuaire d'Afrique du Nord*, 1995, p. 274.

²³⁵ According to Mouqat (Ibid), it goes back to the cultural foundation of the *makhzen* with its distinction between *bled al-makhzen* and *bled as-siba*, in which the resistance to the monarchy's claim to power is part and parcel of the monarchy's own claim to absolute power. Dwyer, also, has noticed that in private interviews, "notions of the individual and human freedom, and the related idea of democracy, were stressed more in my discussions in Morocco than elsewhere" K. Dwyer: *Arab Voices. The Human Rights Debate in the Middle East* (London: Routledge 1991), p. 110.

mistakes'. Minister of State, is this not the rule that should rule the relationship between both the governors and governed? ²³⁶

For Jamaï, citizenship did not only mean the necessity for a 'Good Caliph' to accept his co-citizens, but included also the duty of citizens to counter the hegemonic establishment of the state - the monopolisation of public reason - and the abuse of power. In this sense, he admits that he has failed the 'mission' that citizenship implies.

I admit that we have, as citizens and as journalists, a lot of responsibility for this situation. This is because we have accepted the rules that no law had imposed on us, because we had not stood straight, forgetting that we had a backbone to hold us up and to keep up our head, because we ended up ignoring that our country had at its disposal a battery of laws, which defend us and our country. This ignorance was wanted, encouraged by those who profited from it. The little concessions ended up being transformed into big compromises, and a little cowardice and scare ended up in submission and resignation. The abuse of power nourishes itself from our scare, our cowardice, and our everyday resignation. ²³⁷

These words of Jamaï indicate what citizenship meant at the beginning of the 1990s, in a Morocco that was dominated by the monarchical system of *makhzen* and the Interior Ministry. Under these circumstances, there was no place for an autonomous conception of citizenship, and the Interior Minister's attitude defied any attempt at introducing such thinking. This situation, however, had not only been imposed from above: it had also come from 'below' in that participants in the political game, especially journalists, had forgotten that a citizen might have to question a government's or a monarchy's supremacy out of a sense of duty for those very institutions. He thereby questioned the hegemony of the state, based as it was on a submissive sense of citizenship, and he did this in a self-limiting manner. At the same time, he also questioned the state's allied classes 'attraction' to this definition, when he said that "[t]he little concessions ended up

²³⁶ *L'Opinion*, 22 November 1993.

²³⁷ *Ibid.*

being transformed into big compromises.”²³⁸ As he admits in this passage, he considered himself as partly belonging to this class.

Such a concern echoed the constitutional ideas that had nourished Moroccan political philosophy and that had marked the ambivalent relationship between the monarchy and the Nationalist movement rooted in the pre-colonial period, but formulates it in a less threatening, and therefore ‘acceptable’ way. According to a Moroccan scholar,

The authors of the 1908 constitution, or at least those who claim to be it shortly afterwards, leaned on this model of citizenship, when they demand among others individual liberty, the abolition of the castigation, whipping, and torture, the banning of degrading and humiliating acts in prisons, and the instauration of representative institutions. This project remained in the political consciousness of the national movement and played the role of the promotion of a emancipative political project.²³⁹

This illustrates that the idea of citizenship as a base for a social project had been well rooted in modern Moroccan history, and had been the cornerstone of a civil society that created its own rules, in contrast to one based on domination. As soon as some political space had been created, and as soon as the public sphere opened up its fixed rules, these roots expressed themselves. Defying the political or cultural situation imposed on him from above, the author replicated the strategies that the earlier NGOs had opted for, and which seemed to promise more success and tolerance on the part of the state.

In this example, Jamai’s calling for a sense of citizenship had been a reaction to state intervention, and not, as in the preceding examples, a reaction to the passivity of the political establishment. It is an example of an increasing self-limited criticism used by individual actors when confronting the state apparatus.

²³⁸ Ibid.

²³⁹ Mohammed Mouqat: ‘Le Mouvement des Droits de l’Homme au Maroc. Du Makhzen à l’État du Droit’ in *Annuaire d’Afrique du Nord*, 1995, p. 276. See also Said Bensaid Alaoui: ‘Muslim Opposition Thinkers in the Nineteenth Century’ in Charles E. Butterworth and I William Zartman: *Between the State and Islam* (Cambridge and Washington: Cambridge University Press and Woodrow Wilson Press, 2001), pp. 90-104.

The use of the concept of citizenship illustrates this self-limitation very well, as it is used in marked contrast to earlier demands for constitutional reform and a redistribution of power (at the heart of former opposition parties' activities) that would challenge the monarchy's legitimacy.

4.1.7 Summary Section One

In this section, I used the examples of human rights groups, women's rights groups, AIDS groups, and Berber groups to illustrate that organisations of civil society began to challenge the hegemony of the state, which successfully initiated discourses about rights-oriented politics. Moreover, this section demonstrated the forms that these discourses took in other parts of civil society, notably the media, and it showed that here, similar strategies became increasingly employed. It has been the aim of this chapter to show that the groups used a self-limiting framework based on the refusal of party based politics. Moreover, this section demonstrated that this activity was a result of the inability of the 'old' political system - i.e. the bifurcation of the political sphere into 'opposition parties' and 'monarchy' – to accommodate interests, grievances, and values that had been evolving in the body of society.

4.2 Section Two: The state's early reaction

When Moroccan civil society's activity still followed the framework of party politics, the state's reaction followed the same logic through the creation of loyal associations. Essentially, this was a replication of its reaction to opposition parties' challenge in the 1960s and 1970s, when loyal monarchical figures created loyal 'administrative' parties before elections, which were able to gain electoral victories through the existence of networks of patronage. Therefore, since the 1970s, the state had created its own associations in order to widen its presence in society. These were meant to compete with associations affiliated to the opposition, and to provide a new mechanism of control and stability during a time of severe economic restructuring in Morocco. The big regional associations, generously funded by the state and recognised as *utilités publiques* were meant to form new élites and to create an activity aimed at bolstering a

sense of welfarism between the élite and the disadvantaged masses. According to Ghazali, they fulfil an integrative function in that they lead the new élite into loyal political parties and into the administration.²⁴⁰ At the same time these associations guaranteed the social contact between the political élite and the population at large; furthermore they employed in active collaboration with the state financial and human resources, especially in the sectors of development and arts.

With the appearance of self-limited associations outside the political party framework, and with these associations' targeting the hegemony of the state through their discourses on individual rights, the state's reaction changed, as well. In this section, I analyse the different strategies that the state employed in this early phase. The most significant and visible strategy has been the multiplication of 'integrating councils' such as the Advisory Council for Human Rights (CCDH) and the *Cellule Intégration de la Femme au Développement* (CIFD). Although these 'integrating councils' can be understood as a continuation of the 1970s strategy of creating regional associations, it is the aim of this section to illustrate that this had further encouraged individuals' and groups' participation in the public sphere. This is because the creation of these councils, and the state's ensuing direct intervention in the discourse, broadened – albeit involuntarily – the discourse about human and women's rights rather than limiting it.

In order to show this, three points will be addressed. First, although the CCDH had been created by the King in May 1990, it had initiated a dynamic through its attempt at including 'new' associations of civil society and answering to them.²⁴¹ Second, in 1998 the main catalyst of political change in favour of the protection of human rights was the official acknowledgment of the existence of forced disappearances. The CCDH was the organisation, which made this official step that was later sanctioned by the King. It is the aim of this section to

²⁴⁰ Ahmed Ghazali, op.cit. 1989, pp. 252/253.

²⁴¹ It had a special department that dealt with human rights organisation and especially with Amnesty International reports, which resulted in 'Amendments' to AI reports after they had been

show that the CCDH had been given enough discursive freedom, in order to address these questions, even though it had not been designed to achieve what Moroccans regarded to be a sensational victory: the liberation of political prisoners and the official acknowledgement of the existence of 'forced disappearances'. Third, the state's early acceptance of women's groups' demands in the creation of the *Cellule Intégration de la Femme au Développement* also had an encouraging effect on women's rights groups. This was despite the fact that the aim of the state's action had been - similar to the state's dealing with human rights groups - to channel these demands in order to neutralise public criticism.

4.2.1 Attempts at integrating the human right's discourse: The Advisory Council for Human Rights (CCDH)

The members of the CCDH were recruited from five areas of Moroccan political life: government ministers (interior, education, justice, since 1994 human rights), political parties, trade unions, NGOs, the legal and health professions, and finally renowned Moroccan personalities in the field of religion or higher education (directly appointed by the King). Each organisation was represented by one delegate in the council, in which all members had the same vote. All organisations proposed three delegates, of whom the King selected one. The Council was required to vote unanimously on its suggestions to the King.

The mandate of the CCDH and the framework within which it worked were laid down by a Royal speech on 8 May 1990 on the occasion of its foundation. "We have decided to devote this meeting ... to the complementing of the State of the rule of law, which will first and foremost put an end to the long palaver about human rights, so that we can settle this matter once and for all."²⁴² As to the choice of the delegates that had been chosen by him after they were proposed

critically reviewed by the CCDH. See Amnesty International : 'Addendum to 'Turning the Page' Achievements and Obstacles' (London : unpublished document, August 1999).

²⁴² Royal speech delivered on 8 May 1990, printed in Kingdom of Morocco, Human Rights Advisory Council: *10 Years in the Service of Human Rights. The Royal High Instructions, Legislative and Statutory Texts, Advisory Opinions*. (Rabat: Imprimerie El Maarif Al Jadida, 2000), p. 14.

by the organisations, the King continued “[a]ll these persons, whose names you have just heard, have proven their patriotism - thank Allah ... they jealously protect their country’s reputation, and ... they fear no one but Allah.”²⁴³ In the following guideline as to the principles according to which the Council should judge alleged human rights violations regarding political prisoners, a certain ambiguity appeared that in the following years should give the council space to manoeuvre.

We are tired, and all Moroccans are tired, of hearing that there are people who are imprisoned for political reasons in Morocco. If showing disrespect for Allah - and I ask Allah’s forgiveness for uttering this - or disrespect for the homeland, for the King, or for our beliefs, our country, and our Constitution, is an act that passes for a political crime, I say that, *to my understanding (and I do not wish to influence you)*, any Muslim who would go round the country urging people to embrace any other religion than Islam, should have his mental health examined by specialists before even expecting to be asked [to] repent. If he should be made to repent, and would still go round preaching another religion than Islam, the religion of Allah, he would surely be tried; but regardless of the verdict in his case, he could not possibly be qualified as a political prisoner.

Should we some day hear or read that a Moroccan has stated that such or such a region is no part of Moroccan territory, I should consider this a heresy and he could not be tried within the framework of the law, so that neither the status of a detainee nor that of a political prisoner could apply to his case.

Likewise, anybody who, through a poster, a newspaper, or a speech, should call for a régime other than the constitutional monarchy, would be undertaking, *in my view*, not a political act, but a destructive act committed against the people’s will and against the Constitution. Accordingly, *I personally believe that the conscience of this Advisory Council shall be at peace if it considers that this country’s three sacred values are: Allah, the Homeland, the King*. Henceforth, nobody can say that there are political prisoners.²⁴⁴

It seems clear that with this speech the emphasis was not on finding human rights abuses and making sure that the state would take all measures necessary to

²⁴³ Ibid.

²⁴⁴ Ibid. p. 15. Emphasis added.

make them a thing of the past but rather to react to national and international criticism. Nevertheless, a certain element of freedom rested with the CCDH to define and compare Morocco's legal protection of human rights relative to international human rights standards. This meant that it was possible to advise the King even if it was against the official policy of denying the existence of political prisoners.²⁴⁵ This freedom, however, was restricted in that the voting system was based on consensus, which meant in practice that a democratic majority could not impose a decision.²⁴⁶ Moreover, the council was to give advice to the King only when it was asked to do so by the monarch himself. An initiative could only be taken by a 2/3 majority of the Council, which meant in practice again the power of a minority to bloc an initiative supported by a majority. Abdelazziz Taleb expresses this in the following words: "In the beginning, the mandate of the CCDH was pretty clear: "Don't move unless I tell you."²⁴⁷ The flexibility to initiate proposals can be regarded a safety valve through which a two-way dialogue was to be guaranteed. In practice this meant from the beginning the formation of an opposition within the Council, that of government ministers and government parties on the one hand, and opposition parties and human rights organisations on the other hand. Reflecting the social discourse on human rights at the time, the latter started to pose questions about political prisoners and questions about "forced disappearances" from the day the council was formed, and asked for Royal amnesties. In the first recommendation from the Council meeting of 12 July 1990, this opposition already became clear:

Some Council members have raised the question of seeking, in favour of persons sentenced for crimes concerning State security, the Royal pardon on the occasion of the birthday of Your Majesty, may Allah glorify him, which is the occasion for the celebration of Youth day, a symbol of hope, progress, and prosperity; whereas the other members have opposed the idea either because of they see no justification for it or because they

²⁴⁵ See the definition of political prisoners advocated by King Hassan's speech in the passage cited above.

²⁴⁶ Though not officially: Article 19 of the Rules of Procedure from 15 November 1990 provides for simple majority voting .

²⁴⁷ Interview with the author, Rabat, 23 January 2001

find it premature. The decision is up to the sovereign, a decision which can only be right and fair.²⁴⁸

This passage, though giving evidence to the restricting character of the way the CCDH was constituted, gives also evidence - in its first declaration! - to the field within which human rights activists could operate. Hence, despite obvious restrictions, the council opened up the public sphere for human rights organisations, notably the OMDH, so that they could exert influence. As Mohamed Seddiqi, the OMDH delegate to the CCDH, recalls:

With the forced disappearances, this took so much time and we had to pose the question in the CCDH again and again, because of course, this was one of the most sensitive issues in Moroccan politics. But we made clear, and the authorities, the King, and the government realised certainly before the appearance of the Youssoufi government and the elections that they had to deal with this issue. They couldn't ignore it anymore, it has been too publicly debated. We were waiting for an answer, and would ask the question again and again. The opening up of the system was of course also a problem of the late King Hassan II. His personal wish of how to do things impeded the opening up but at the same time, made it possible when it had to become possible.²⁴⁹

This is why the activities of the CCDH had been only sporadic (between 1995 and 1998 there was no meeting) and although a working group on forced disappearances was established in 1995, it was not operational for more than two years. This is the object of criticism in the OMDH's Annual Report for 1999.

Having been designed as an auxiliary instance next to the sovereign in this domain, the *Conseil Consultatif des Droits de l'Homme* was able to facilitate the translation of the Royal will into practice during the first years of its existence, solving the file of political prisoners. Nevertheless since the amnesty decreed by the King in 1994, its activities have been sporadic and reduced. The Council itself did not meet during almost three years.²⁵⁰

²⁴⁸ Kingdom of Morocco, Human Rights Advisory Council, 2000, op.cit. p. 56.

²⁴⁹ Mohamed Seddiqi, interview with the author, Rabat, 2/02/2001.

²⁵⁰ Organisation Marocaine des Droits Humains: 'Rapport sur la Situation des Droits de l'Homme au Maroc 1999'. (Rabat, no publisher, 2000), p. 7.

This declaration gives evidence to the lack of decision-making power and the overarching influence of conservative elements and ministries, as well as the lack of power to initiate projects as a response to current human rights problems. On the other hand, it illustrates the field of power and the discourse, in which the CCDH was operating, as it had publicly been subject to criticism whenever it failed to accomplish the reforms that it was expected to undertake. Whenever one issue had been resolved, however, Moroccan officials were eager to give the CCDH the credit.²⁵¹ For example, according to a Moroccan scholar,

The fact that it does not have any decision-making powers does not dement its utility, because its role was perceived by everybody as an enormous job, endowed with an undeniable moral influence. Effectively, Morocco marked with the creation of the CCDH its entry into a new era, founded on the scrupulous respect of human dignity and the promotion of human rights, all this characterised by the consolidation of the rule of law.²⁵²

The Council's early involvement in the release of political prisoners improved the perception of Morocco's human rights record and the council's perceived effectiveness. The first amnesty of 1991 had released 270 prisoners; then 424 political prisoners were released in 1994, and a further 28 in 1998. In consequence, according to the Council, "the file of political imprisonment was closed for good, and not a single political prisoner – according to the 1988 United Nations definition – can be found in any ... Moroccan prison."²⁵³ This number, however, impressive as it seems, was by no means the original number of existing political prisoners according to the Advisory Council for Human Rights (CCDH). It had been achieved only after massive intervention of the *Organisation Marocaine des Droits de l'Homme*. The original number that, according to the CCDH, corresponded to the legal UN definition of political

²⁵¹ See Prime Minister's speech in Chamber of Representatives in *Le Matin du Sahara et du Maghreb*, 14 January 2000, Minister of Justice, Omar Azziman, in the Foreign Affairs Commission of the French National Assembly on 2 February 2000 *Le Matin du Sahara et du Maghreb*, 4 February 2000, or Minister of Human Rights, Mohamed Aujjar, in the UK House of Commons *Le Matin du Sahara et du Maghreb*, 9 March 2000.

²⁵² Hamid Rbii, 'Le Conseil consultatif des droits de l'homme peut-il devenir une autorité administrative indépendante' in *Revue Marocaine d'Administration Locale et de Développement*, no. 37, March-April 2001, p. 22.

²⁵³ Driss Dahak: *Achievement of the Human Rights Advisory Council in brief*. (Royaume du Maroc, CCDH, 2000), p. 5.

prisoner amounted to a mere 11. Nevertheless, the CCDH by taking on board a broader application of the definition of political prisoner gained both national and international credibility and was able to make it appear as a progressive Royal organisation that the Kingdom had created all on its own.

4.2.2 *Attempts at integrating the women's rights discourse: The Cellule Intégration de la Femme au Développement (CIFD)*

The state reacted to the women's movement by creating the *Cellule Intégration de la Femme au Développement* (CIFD) in the first half of the 1990s. This association was a sub-section of the Foreign Ministry and was directed by Souriya Othmani, a well known figure among women's rights militants. It considered itself an NGO and was able to receive substantial international funding for its women's projects. It thereby became a Moroccan focus for international donor organisations. The UNFPA (United Nations Fund for Population Activities) directed most of its activities to the CIFD, and as a result only those associations with good contacts with it could profit from the UNFPA's financial resources.²⁵⁴ As a result of this, Morocco was the only country that during the 1995 United Nations World Women Congress in Beijing produced only an official report on the situation of women in Morocco, not an alternative report by NGOs. Despite this, according to Hegasy,²⁵⁵ it is difficult to interpret that *cellule's* existence as a blow to the women movement in Morocco. On the contrary, Othmani was a very much respected person among NGOs and she had certainly advanced the cause of women rights within the government.

The Moroccan state's early reaction to the organised women's movement followed a similar logic as its dealings with the human rights issue. In 1995, the state reacted to outside pressure to change the Moroccan family code, the *Moudawana*. This pressure mostly came from women's movement associations.

²⁵⁴ On a conference in Salé, Hegasy reports the director of UNFPA, Mustafa Benzine, as saying that "we take Mrs. Othmani as our focus and we always ask her when we want to start a project with NGOs." Hegasy, 1997, op.cit. p. 215.

²⁵⁵ Ibid.

which had intensified their pressure from the beginning of 1993.²⁵⁶ The *Association Démocratique des Femmes du Maroc* may be regarded as a typical example. Islamic counter pressure resulted in charges of apostasy against the women's rights movement, which the *Organisation Marocaine des Droits de l'Homme* clearly condemned.

The method which is about issuing *fatwa* pronouncing maledictions and sanctions with regard to citizens who express their opinion in full freedom and who formulate their demands within the framework of the law, not only represents a kind of intellectual terrorism which we condemn and which is not to be excused, it transgresses the law and is a usurpation of judicial powers.²⁵⁷

After the collection of one million signatures, the King invited selected personalities to discuss a possible reform. The *Union Nationale des Femmes Marocaines* (UNFM) was the only women's organisation present. It was created in 1969 by the Princess Lalla Fatima Zohra and was obviously well connected to the monarchy. Neither of the most active women's rights associations, the *Union Action Féminine* and the *Association Démocratique des Femmes Marocaines*, took part in the discussions. After the consultations, the King decided to transfer the issue to a council that consisted of 'ulema, representatives of the Ministry of Habous and Islamic Affairs, and the Ministry of Justice. At the same time, the King addressed himself to women's rights associations in a publication of the *Cellule Intégration de la Femme au Développement*. Engaging himself in the discourse that the women's associations had initiated, he claimed to understand the criticism of women, as, for example, unlimited freedom of travel should be valid for both men and women. Some passages of the *Moudawana* were even in contradiction with the constitution. Polygamy, however, was allowed within Islam, and that could not be changed. According to King Hassan II:

²⁵⁶ For a review of the discussion see Mustafa al-Ahnaf: 'Maroc. Le Code du Statut Personnel.' In: *Monde Arabe Maghreb-Machrek*, No. 145, July-September 1994, No. 145, p. 3-26. For a discussion of the the opposition to the Gulf crisis see the same author, 'L'opposition maghrébine face à la crise du Golfe.' In *Monde Arabe Maghreb-Machrek* No. 130, Oct-December 1990, p. 99-110.

²⁵⁷ OMDH: 'Déclaration au sujet de la revendication de modification des dispositions du code de statut personnel.' 23 June 1992.

Certainly, there are obstacles, which prevent Moroccan women to enjoy the full liberty to exercise their rights. When it comes to divorce and repudiation, Moroccan women are in the centre of concern, as the social security network is absent. ... If she does not enjoy the liberty of movement and the possibility to get her passport without permission of her husband, ... I consider this against the principles of our religion which is the basis of our constitution. Our constitution guarantees the liberty to move for all our citizens. ... In certain questions, such as polygamy, the Koran has posed certain conditions.²⁵⁸

At the same time, the Royal commission was to be the end of the discussion. The King received the recommendations of the commission, and in the new *dahir* of 13 July 1995, he changed men's tutelage over women, so that women no longer needed the authorisation of their husband, their father, or their son to work or to obtain a passport. Even if such results were hardly satisfying for the women's movement, the King's speech had laid down a foundation for future action that could no longer be ignored. The following statement of Fatima Mernissi, a well-known women's rights activist and academic, illustrates how the King's direct intervention in the discourse is regarded as a success and as the recognition of women's rights as citizens of Morocco:

The Royal speech reminded that women are citizens and that their demands are legitimate. The highest instances, which rule this country, see in her participation a guarantee and an indispensable trump.²⁵⁹

4.2.3 Summary Section Two

The reactions to both the women's rights discourse and the human rights discourse illustrate how the state, through the creation of integrating councils, replicated some aspects of the discourse, aiming to neutralise and re-establish the state's hegemony in the public sphere. In both cases, the discourse has been replicated at the highest level of the state, and in both cases, it has been considered as a success for both human and women's rights activists that felt

²⁵⁸ King Hassan in *Cellule Intégration de la Femme au Développement: La Femme Marocaine*. (Rabat, no publisher, 1992), p. 36.

²⁵⁹ Mernissi in Latifa Akherbach and Rerhaye (eds): *Femmes et politique*. (Casablanca: Editions Le Fennec, 1992), p. 8.

encouraged. Especially in the case of the CCDH, it has been illustrated that it was endowed with a significant degree of discursive freedom by the monarch himself, which reflected on the controversial nature of the topic that resisted direct state authority. In the case of the women's discourse, however, the state, at this early stage, did not really try to integrate the women's movement, but attempted to deal with the issue from specialised, state-controlled agencies such as the CIFD or the commission charged with a reform of the *Moudawana*. Nevertheless, the replication of the discourse changed the state's position in the public sphere, and gave way to further integrating measures in the latter half of the 1990s.²⁶⁰

4.3 Section Three: Other factors that had contributed to the state giving space to associations

When the Moroccan state started to tolerate the activities of associations, this was not only due to them exhibiting certain self-limiting features, but also due to a national and international environment that this section aims to address. This is to illustrate that domestic activities and pressures for public space, as I have described in the previous part of this chapter, did not develop in a political vacuum, but in a national and international context that can be described as 'favourable' for this process.

4.3.1 International Factors

Growing tensions between Amnesty International and US-State department reports, on one hand, and the Moroccan government, on the other, marked the beginning of significant human rights improvements. In order to respond to international criticism, the government even set up a "Committee for Dialogue with Amnesty International." In 1990, Gilles Perrault's book *Notre Ami le Roi*,²⁶¹ containing a detailed description of human rights abuses, was so embarrassing that the King cancelled a trip to France. In the same year, the monarchy cancelled a Moroccan cultural festival in France, *Printemps du Maroc*

²⁶⁰ I will refer to these measures in Chapter Six.

(spring of Morocco) when Amnesty International declared that it would transform this exhibition of Moroccan culture into a *Printemps des Droits de l'Homme* (spring of human rights).²⁶² Traditional supporters of the monarchy, especially France, began to exercise pressure for the respect of human rights. As a result, according to Bouandel, “in Morocco, unlike the governments of Algeria and Tunisia, the King took decisive steps toward improving the exercise of human rights in order to avoid criticism.”²⁶³ The King publicly recognised this external pressure when in his Royal discourse of 8 July 1994 he said that he wanted “to turn the page of what is called political prisoners ... in order to end, on one hand, the embarrassing domestic situation and the feeling of doubt, and, on the other hand, the tendentious critique of ill-disposed persons and foreign enemies.”²⁶⁴

The international dimension was amplified through Morocco's strategy of intensifying its relations with Europe and the United States. According to a Moroccan scholar, a result of these attempts to improve its relations with the West, such as Morocco's application to join the European Community in 1988, was a state-led discourse on civil society. “When our government officials travel abroad, and when they participate in international organisations, they do not like to be questioned about democratic deficits. As a result, they need to give democratic credentials, one of which is the existence - or its appearance - of a dynamic civil society, independent from the authorities.”²⁶⁵

In this situation, a confrontational attitude towards these non-governmental actors became difficult to sustain, especially as Western newspaper articles had systematically covered the foundation and early activities of Morocco's human rights organisations. The French newspaper *Le Monde* documented the early

²⁶¹ Gilles Perrault: *Notre Ami Le Roi* (Paris: Gallimard, 1990).

²⁶² The official explanation was the Gulf crisis.

²⁶³ Youcef Bouandel: ‘Human Rights in the Maghreb’ in Yahia Zoubia (ed): *North Africa in Transition. State, Society, and Economic Transformation in the 1990s*. (Gainesville, University Press of Florida, 1999). p. 137.

²⁶⁴ Quoted in Denoeux and Gateau, 1995, op.cit. p. 31.

²⁶⁵ Ibid.

administrative difficulties of the OMDH²⁶⁶ and even launched a media campaign to exert pressure on the Moroccan government to tolerate the OMDH.²⁶⁷

4.3.2 Other Domestic Factors

In order to account for the reasons that had driven the Moroccan state to allow increased activity of these public-sphere oriented NGOs, it would be misleading to think that the régime encouraged their activity and creation in order to simply create a buffer against rising Islamic currents.²⁶⁸ This might apply to state-controlled ‘regional associations’ encouraged in the early 1980s, staffed as they were by leading government officials. In contrast, the foundation years and early activities of associations such as the OMDH and the ADFM were marked by a conflict for official recognition and public space, from both the state and the political parties.

In the beginning, for them [political parties] women’s action was only possible within women’s sections of political parties. This was a problem of political culture. The political élites accepted us very slowly, and as a result there is still this suspicion. Hence, the fight for the legitimacy of our existence was the first fight of our association. This was a fight for civic action, for confidence and recognition against the political parties and the state.²⁶⁹

Consequently, besides mounting internal and external pressure, one of the main factors behind the state’s move to allow the creation of a freer public sphere, i.e. to allow individual associations’ activity on issues that are, politically, socially, or culturally ‘sensitive’ for the establishment of the

²⁶⁶ It had to delay its constitutional assembly three times due to the administration’s withholding of the “legal receipt” that is compulsory for all associations. It has become the administration’s way of controlling associative activities in Morocco.

²⁶⁷ In fifteen months, *Le Monde* published seventeen articles on human rights in Morocco, and in December 1988 *Le Monde Diplomatique* published a long article on the subject. Denoeux and Gateau, 1995, op.cit. p. 31.

²⁶⁸ As Bahgat Kourany, for instance, suggests. See Bahgat Kourany: ‘Monarchical Islam with a Democratic Veneer: Morocco’ in Rex Brynen, Bahgat Kourany, and Paul Noble; Political Liberalization and Democratization in the Arab World. Vol. 2, Comparative Perspectives (Boulder and London: Lynne Rienner Publishers, 1998), p. 174

²⁶⁹ Latifa Lbardi, Interview with the author, Rabat, 30 May 2002 .

Moroccan state had been the following: They epitomised - to a certain extent - the Moroccan state combination of 'modern' and 'traditional' legitimacy. By allowing the creation of public space necessary to challenge the state's hegemony, the monarchy's legitimacy based on a combination of modernity and tradition became once again reinforced.²⁷⁰

This contradicted the hitherto dominant definition of *makhzen* and state control, and can be regarded as a novelty in Moroccan politics. Still in 1991, the Moroccan scholar Driss Ben Ali described the state's occupation of the social-political sphere in the following words:

[T]he makhzen wants to occupy the whole surface, which means that it does not tolerate any expression except for its own, thereby posing itself as an end in itself. It defines itself as a guardian of the community's properties and the incarnation of its unity. It refuses to accept the tiniest piece of autonomy on its political territory. This logic explains why the state shows itself vigilant towards the constitution of any zones of power, be they social or political. From this follows also the control of communication in the economic and social spheres. Clans, social and family networks, they are all subject to surveillance. Through the use of its excessively centralised administrative apparatus, it does not leave any initiative at the local level, and it fears to lose its grip of society when leaving parts of authority to

²⁷⁰ See Bahgat Korany: 'Monarchical Islam with a Democratic Veneer: Morocco' in Bahgat Korany, Rex Brynen, and Paul Noble: Political Liberalization and Democratization in the Arab World. Vol. 2, *Comparative Experiences* (London and Boulder: Lynne Rienner Publishers, 1998), p.157-158. Abderrahim Lamchichi: Islam et Contestation au Maghreb (Paris, L'Harmattan, 1989), p. 169, Abdelatif Agnouche: Histoire Politique du Maroc - Legitimités - Institutions (Casablanca: Afrique-Orient, 1987), p. 331, Thierry Desrues and Eduardo Moyano: 'Social Change and Political Transition in Morocco' in Mediterranean Politics, Vol. 6, No. 1, Spring 2001, p. 29. Public criticism confirmed that Morocco's 'pluralism' existed. In 1990, this argument was directly used by the Ahmed Alaoui, editor of the official newspaper *Le Matin du Sahara et du Maghreb*, when he writes in the aftermath of a rare opposition party's motion of censure in the parliament: "The debate, with its interventions by the opposition, government and majority members, proves that Morocco lives in a democracy. Democracy is the freedom of expression and verdict of the Chamber of Representatives. Moreover, the audio-visual media objectively covered the parliamentary debates, just as the opposition press reproduced the integral remarks of its representatives. All of this proves if there was need for proof, that Moroccan democracy is doing well. So much the better! This public debate is the solemn illustration of Hassanian democracy." *Le Matin du Sahara et du Maghreb*, 22 May 1990, quoted and translated in David M. Medico: 'Civic Apathy in the Service of Stability? Cultural Politics in Monarchist Morocco' in The Journal of North African Studies, Vol. 3, No. 4 (Winter 1998), p. 20.

political forces, which might turn out to be a threat. [qui pourraient s'avérer irrédentistes].²⁷¹

4.3.2.1 *The consequence of 'defused politics'*

The giving of space to these associations by the state, and its acceptance of the creation of a new public sphere, has also been a consequence of what Tozy called 'defused politics,' the last factor that I address in this subsection. Tozy maintains that though the attribution of 'unchallenging' characteristics to key institutions such as representation (which is redefined to signify 'intercession') and parliament (which is redefined to signify *shu'ra*), Moroccan politics had been endowed with the absence of any challenge to the monarchy's claim to power.

We call a defused political field all places of confrontation between the partners of the central power (political parties, trade unions, different associations) that cannot, by the nature of their activity, lead to an appropriation of power, or be able to change the central power's orientation to their proper social project.²⁷²

This political field encompassed all sectors of the polity, and allowed the King to maintain pluralism and modern political institutions, because the key variables of the Moroccan political game - representation and parliament - were not threatening and overshadowed by submission. In this field, the ideological landscape had constantly been reconstituted as 'faithful,' and the representation of political actors became a major concern of the central power: The presence of all components of public opinion became a goal in itself, as this was the proof for the central power's effectiveness and a sign for its diffusion in civil society. Tozy cites as an example the fact that invitations to official meetings with the King respected the equal representation of political parties.²⁷³ The appearance of new associations just added another dimension to this, and remained well within

²⁷¹ Driss Ben Ali: 'Emergence de l'espace socio-politique et stratégie de l'état au Maroc' in Ali Sedjari (ed): Etat, Espace, et Pouvoir Local. Reflexion sur le Maroc et les Pays en Développement (Rabat: Ed. Guessous, 1991), p. 64.

²⁷² Mohamed Tozy: 'Représentation/Intercession. Les enjeux de pouvoir dans les 'champs politiques désamorçés' au Maroc' in Annuaire de l'Afrique du Nord, Vol. 28, 1989, Editions du CNRS, p. 165.

this 'field of détente.' In fact, they were as much an expression of this through their self-limiting character. The main difference to the previous period (Chapter Three) is that these associations did not act in this 'field of détente' by default. Rather, they chose the 'single issue'-strategy, first of all because of their commitment to this issue. The engagement in the public sphere became a strategy to achieve their specific socio-political aims, and their challenge to the state's hegemony, only a logical consequence. In this situation, it is not surprising that the state reacted 'positively' to the appearance of these associations, because it remained part and parcel of a coherent phenomenon of Moroccan state-society relations.²⁷⁴

4.4 Chapter Four: Summary

In this chapter, I have described changes in associative activities that started in the mid 1980s. One important feature had been the new articulation of women's rights outside the party system, which started with the *Association Démocratique des Femmes du Maroc* (ADFM), which used to be a section of the *Parti du Progrès et du Socialisme* (PPS). Being dominated by men, the political party hardly ever considered women's rights to be a political issue worthy of defence. The party's representation in parliament and the régime's handling of 'big' national questions had priority, and women's rights issues were merely used within the prism of party - monarchy conflicts.²⁷⁵ Consequently, the history of associations such as the ADFM or the *Union Action Féminine*, presided by Latifa Lbardi,²⁷⁶ was at first marked by the fight for recognition by the political parties (be they 'democratic' or 'administrative'). These new associations were successful at changing the national discourse on women's rights and human rights. As Mernissi, for instance, testifies:

²⁷³ Ibid. p. 166.

²⁷⁴ In an interview (Rabat, 29 May 2002), the King's economic advisor, André Azoulay, did not say it directly, but it was implied.

²⁷⁵ The same applies to the question of Berber cultural rights.

²⁷⁶ Who is a member of the political bureau of the political party *Parti Socialist Démocrate*.

We had to wait for the launching of private associations at the end of the 1980s to see human rights come into the streets of the Arab capitals and to begin to see translations of and commentaries on international charters and agreements circulate in Arabic for a few dirham. The literate masses pounced on these brochures to read about what *hurriyyat al-ra'y* (freedom of opinion) meant and about how the United Nations Charter could protect them against torture. It was only through the efforts of intellectuals of the Left and university students, agitating for rights of the individual, that bulky translations of Amnesty International documents begun to circulate in Arabic. These groups were also instrumental in seeing that whole passages from these documents were printed in the leftist press when leaders came out of prison or succeeded in resuming activity after being tried and fined.²⁷⁷

With individual associations taking up their respective issues, a knock-on effect created similar strategies in other areas, which I have identified as the Berber milieu and the media. Partly because it fitted into the state's sponsoring of 'defused politics', partly because of the existence of international pressure, partly because it reconfirmed the state's dual pillar of traditional and modern legitimacy, the state accepted these players and their causes, and showed signs of being committed to the same issues. This created a climate of political change in which formerly permissible behaviour on the part of the state was responded to with increasing criticism, which I illustrated with Jamaï's criticism of the Interior Minister.²⁷⁸ Instead of suppressing the discourses that these associations initiated, the state increasingly attempted to address these issues. It thereby committed itself to the production of these discourses, a reaction bound to the

²⁷⁷ Fatima Mernissi: *Islam and Democracy. Fear of the Modern World*, Translated by Mary Jo Lakeland (Reading MA: Addison Wesley, 1992), pp. 69/70

²⁷⁸ Another example is the following: In 1989, the editor-in-chief of the newspaper *L'Opinion*, Mohamed Idrissi Kaïtouni, was arrested for publishing a manifesto of two human rights groups, the AMDH and the LMDH. The authorities considered the act of publishing this manifesto as "stirring up and causing public disorder." Consequently, he was tried and condemned to 2 years imprisonment on 9 November 1989. However, more than 300 lawyers nation-wide proposed themselves to defend the journalist, and the trial was critically reported by human rights groups. It triggered a wave of protest, and three days after the verdict, after a group of *Idrissi* (a traditional supporting group of the Moroccan monarchy) asked for a Royal amnesty, the King pardoned Kaïtouni. Despite the continuing use of traditional language by the monarchy, this illustrates how single-issue organisations and their activity became viewed within different parameters, for the challenge that they had started to pose was no longer a challenge to the monarchy's monopoly of political power. Kaïtouni's case, moreover, illustrates well how, on the one hand, traditional groups (the *Idrissi* group) had been considered legitimate representatives ('intercession,' i.e. under the 'old' system), and how only six months later - through the OMDH's participation in the CCDH - 'new' groups of civil society became to be considered as legitimate representatives (new "intercession" in the 'new' system). See Tozy, 1989, op.cit. p. 166.

political field, domestic and international pressure, and the nature of the challenge - rather than threat - that these discourses posed.

Therefore, one of the main reasons for the early success of these associations must be seen in the nature of these associations: their promotion of single issues, in which constitutional, power-oriented aspects were not directly addressed, allowed them to accept the political situation as a given. Moreover, although these associations challenged some of the state's pillars of political legitimacy, they strengthened the state's combination of enjoying both traditional and modern legitimacy. Besides, through the creation of political space for these actors, the monarchy could strengthen the consensual nature of the Moroccan political game, in which dissent either did not exist, or was channelled in appropriate state controlled arenas. Hence, the state's acceptance of this limited expression of dissent strengthened the state's position and envisioned role.

Once the OMDH was created, its immediate success in rallying support from important segments of Morocco's political parties illustrated that human rights was an issue around which Moroccans could be mobilised.²⁷⁹ Accordingly, the Advisory Council for Human Rights (CCDH) aimed at fending off ever-mounting internal and external criticism. Thereby, the CCDH became one of the main indicators of a changing political strategy: the effort to create a national consensus on the basis of pre-defined monarchical prerogatives. The Royal discourse that inaugurated this institution outlined this new model of consensus building within pre-defined values. Moroccan human rights organisations received for the first time official recognition: Interestingly, less than one and a half years after the foundation of a potentially 'subversive' organisation, the OMDH, the very same organisation was invited to participate in a Royal Advisory Council. Through this participation, the self-limiting character of this organisation became even more pronounced: its acceptance of the national consensus became the pre-condition for the space of manoeuvre that was accorded to it. In the process, it became even less challenging than it had already been by focusing on single issues outside the sphere of political parties.

CHAPTER FIVE: THE CONSOLIDATION AND MOBILISATION OF CIVIL SOCIETY UNDER THE 'NEW SYSTEM' (1993-2002)

This chapter will explain how the public sphere, and civil society within it, evolved during the 1990s. A new wave of single-issue associations emerged in the 1990s, building on the experiences of the 'new' civil society organisations of the previous decade. The latter's challenge to the hegemony of the state over the public sphere and the new autonomy of civil society groups from political parties had paved the way for a proliferation of associations that had shared with those in the 1980s their self-limiting strategy and their independence from political parties. Equally, previously existing civil society organisations were transformed by this new climate.

The chapter will argue firstly that this process took place during a period of economic and political change within Morocco, which in turn had its own repercussions for civil society and its relations with the state. On the one hand, the balance of power between the monarchy and the political parties was being renegotiated (a process, which had been taking place since the 1970s). On the other, the country faced a severe economic crisis that raised questions about the continuing responsibility of the state to provide employment and social welfare to its citizens.

The second part of the chapter examines civil society organisations themselves, identifying how they responded to the new political and economic climate and how they built – in varying ways – upon the experience of their predecessors in the 1980s. These responses can be categorised as 1) those associations which copied the single-issue, self-limiting strategies of the earlier organisations; 2) those which continued to be directly power-seeking; 3) those which adopted a more critical and flexible stance and 4) those which broke free of previous alliances with the state to assume more independent and political postures.

²⁷⁹ Susan E. Waltz: Human Rights and Reform. Changing the Face of North African Politics

A diverse representation of civil society has been included in this chapter. As well as single-issue associations, I have included Islamic organisations, human rights organisations, which partly abandoned their single-issue status, a private sector representative organisation and the press, since such broad coverage provides evidence of the range of strategies adopted across civil society.

In the third section of this chapter, I will examine the case study of a scandal about contaminated blood imports, to show that organisations of civil society are directly confronting the state and its hegemony in the public sphere. Despite the factors that had fostered the continuing autonomisation of organisations of civil society and the public sphere in terms of public criticism, I seek to illustrate that this process remained a conflict. As I will explain in the third section, this conflict needs to be understood as a process of encounters involving state officials and associations, in which hegemony is fought over in the public sphere. This contrasts with views that focus or presume the adoption of 'strategic' thinking of Hassan II or his entourage to explain the state's balancing act between authoritarianism and political pluralism.²⁸⁰

5.1 Section One: The Political and Economic Context in the 1990s

5.1.1 The Economic Environment

As many other countries of the Arab world, Morocco experienced a debt crisis that had its roots in the 1970s. There was one major event that sparked off Morocco's accelerated debt crisis: the price of Morocco's main export commodity, phosphate, tripled from US\$ 14 to US\$ 42 from 1973 to 1974. A year later, the price reached \$68. As the third largest producer and the world's leading exporter of phosphates, the Kingdom expected to benefit economically enormously from this unexpected windfall and increase in public revenues - the

(London and Berkeley: University of California Press, 1995), pp. 148-9.

²⁸⁰ Which is the underlying assumption of Denoeux and Maghroui in: 'King Hassan's strategy of political dualism' in *Middle East Policy*, Vol. V, No. 4, January 1998.

production and export of phosphate having been controlled by a state-owned monopoly, the *Office Chérifien des Phosphates*. As a consequence, Morocco happily engaged in an ill-fated economic spending programme, increasing salaries of public sector employees and subsidies on essential food items. Between 1974 and 1976, government expenditure increased by 100 percent in real terms. At the same time, Morocco embarked on a massive public investment programme, which increased by 340 percent between 1974 and 1976. 215 new public firms were created between 1973 and 1977, and the ratio of government expenditures to GDP doubled from about 20 percent in 1973 to around 40 percent in 1977.²⁸¹ At the same time, it followed a massive recruitment into the expanding public sector. Partly for political purposes after the political crisis of the early 1970s (two failed military coups), partly to make modernising use of public revenues that were suddenly available, large sectors of the middle class were employed in the public administration, which increased from 50,000 employees in 1960 to 500,000 in the early 1980s.²⁸²

Unfortunately for Morocco, the sudden bonanza was only short-lived. In 1976, the price for phosphates reached its 1973 level in real terms. However, the Moroccan government failed to adjust its investment and expenditure accordingly, and it started to finance the growing gap by resorting to borrowing abroad. According to Denoeux and Maghroui, several poor agricultural harvests and the rising cost of the war in the Western Sahara exacerbated its dependence on foreign financing.²⁸³ Foreign debt rose from US\$ 2.3 billion in 1976 to US\$ 7.9 billion in 1980 and US\$ 11.8 billion in 1983.²⁸⁴ In 1983, this corresponded to 300 percent of export earnings and 84 percent of GDP.²⁸⁵ In March of that year,

²⁸¹Guilain P. Denoeux and Abdeslam Maghroui: 'The Political Economy of Structural Adjustment in Morocco' in Layachi: Economic Crisis and Political Changes in North Africa (London: Praeger Publishers, 1998), p. 56. See also Christian Morrisson and Veronique Jeanneret-Amour: 'Adjustement et Depenses Sociales au Maroc' in Tiers Monde, 32, 126, April-June 1991, p. 253.

²⁸²Thierry Desrues and Eduardo Moyano: 'Social Change and Political Transition in Morocco' in Mediterranean Politics, Vol. 6, No. 1, Spring 2001, p. 32.

²⁸³Guilain P. Denoeux and Abdeslam Maghroui: 'The Political Economy of Structural Adjustment in Morocco' in Layachi: Economic Crisis and Political Changes in North Africa (London: Praeger Publishers, 1998), p. 56.

²⁸⁴*Ibid.* p. 57.

²⁸⁵*Ibid.*

Morocco's foreign exchange earnings were almost exhausted: the country was near bankruptcy and could no longer service its debt or pay for critical imports.

Negotiations with international creditors and institutions followed and in September 1983, Morocco signed its first IMF deal, a loan of US\$ 200 million Special Drawing Rights. The World Bank provided Morocco with US\$ 600 million in sector adjustment loans. In the meantime, Morocco's foreign debts had been rescheduled.²⁸⁶

Consequently, privatisation has been one of the key issues that the Kingdom of Morocco has embarked on as a part of its Structural Adjustment Policy. First of all, it must be noted that the monarchy has always adhered to an ideology that emphasised economic liberalisation. Already in 1978, when budget deficits worsened and phosphate revenues remained low, the King addressed the issue of large public sector employment, and argued that this needed to be reformed. Together with decreasing revenues, this explained why the state stopped creating public enterprises. According to Denoeux and Maghroui, the King urged that work begin on a programme of privatisation, but because of a reluctant bureaucracy, his calls for privatisation fell on deaf ears.²⁸⁷ Joffé puts the monarchy's ideology of adopting a free economy in the following words:

[I]n addition to the new orthodoxy in favour of privatisation as part of economic restructuring policies, Morocco has always sought a liberal, free enterprise market economy. This, alongside the issue of democratic political structures, has always formed an important part of the rhetoric associated with "Hassanian democracy" and, within the limits of Royal control, of constitutional practice as well.²⁸⁸

Morocco's serious engagement in privatisation started in 1988. In terms of Morocco's continuing deficit spending, the Dh 4 billion annually (approximately

²⁸⁶ Ibid. p. 58.

²⁸⁷ Guilaín P. Dunoeux and Abdeslam Maghroui: 'The Political Economy of Structural Adjustment in Morocco' in Layachi: Economic Crisis and Political Changes in North Africa (London: Praeger Publishers, 1998), p. 60.

²⁸⁸ George Joffé: 'The Political Economy of Privatisation in Morocco' in Moroccan Studies Vol 1, 1991, p. 54.

US \$ 800 million) that the state provided to the 700 public enterprises in 1983 accounted for 10 percent of budgetary expenditure. Accordingly,

[i]n any economic restructuring programme, the privatisation of the state sector was bound to be a priority. Indeed, on October 10, 1986, King Hassan, in opening the parliamentary session, made clear that this was to be the case and, eighteen months later, in a speech to the Chamber of Deputies on April 8, 1988, the king announced that legislation was on the way. Eventually, the king made clear, all state holdings, except those concerned with the “commanding heights of the economy” - the phosphate industry, electricity, water and railway system, air transport, and telecommunications would be privatised. In December 1989, a law (Law 39-89) was passed by the Chamber of Deputies to allow the privatisation of 112 companies, including 37 hotels, and on October 16, 1990, the enabling legislation (Decree 2-90-402) was also published.²⁸⁹

Despite the only limited success of Morocco’s privatisation process in the 1990s - of those 112 companies originally listed for privatisation 38 were being dropped, and the programme experienced serious delays²⁹⁰ - the King involuntarily initiated an important move in the business community towards more economic liberalism. This has been epitomised in King Hassan’s expression during his speech on the privatisation campaign: “The goal pursued through the coming operations is to give *these men their chances, to open the door of responsibilities, chances, and risks.*”²⁹¹ As Bras has shown²⁹² the privatisation campaign was based on new social-cultural goals, illustrated by the publicity that accompanied the privatisation discourse. The privatisation discourse illustrates the mutations in the registry of legitimacy in Morocco, which resulted in the promotion of a new trilogy: “Nation, State, and Enterprise.” Commenting on this, Catusse illustrates the consequences for the private sector’s

²⁸⁹ Ibid. p. 58.

²⁹⁰ See Tom P. Najem: ‘Privatization and the State in Morocco: Nominal Objectives and Problematic Realities’ in Mediterranean Politics, VI. 6, No. 2, Summer 2001, pp. 57-58.

²⁹¹ Myriam Catusse: ‘L’Entrée en Politique des Entrepreneurs au Maroc,’ unpublished PhD thesis, Université de Droit, d’Economie, et de Sciences d’Aix-Marseille, Institut d’Études Politiques d’Aix-en-Provence, 1999, pp. 113/114. emphasis added.

²⁹² J. P. Bras: ‘Les enjeux socio-culturels de la privatisation au Maroc et en Tunisie’, in D. Guerraoui and X. Richet (eds.), Stratégies de privatisations: Comparaison Maghreb-Europe, (Paris: L’Harmattan, 1995).

main representation, the *Confédération Générale des Entreprises du Maroc* (CGEM)

Effectively, this is a fundamental moment that entails discursively the transfer of collective responsibilities to the enterprise and the private sector. The idea of 'economic citizenship' is taken on board, which as a result forms the CGEM's slogan 'l'entreprise citoyenne',²⁹³

On a more practical level, the economic role of the state has been diminishing beyond the privatisation programme. Through an coherent austerity programme, implemented by reform-minded technocrats in the 1980s (especially the prominent finance minister Mohamed Berrada, but also Moulay Zine Zahidi, Hassan Abouyoub, and Hassan Amrani) - government investment declined by 38 percent between 1983 and 1986.²⁹⁴ Price controls were lifted and import liberalisation measures implemented. In 1987 Morocco joined the GATT, and in 1995, it signed an association agreement with the European Union, which provided for the creation of a free trade area in 2010. Custom duties and import restrictions were significantly reduced. The budget deficit declined from 12 percent of GDP in 1983 to 3 percent in 1997. In the 1983-91 period, exports grew by 9.7 percent a year in value and 6.1 percent in volume.²⁹⁵ All of this had important ideological consequences concerning what Moroccans expect the state to do, which has been nicely summarised by Denoeux and Maghroui:

The 1980s witnessed in Morocco a progressive reevaluation of certain dogma, such as the belief that government is responsible for maintaining minimum standards of living or that it has a duty to protect national industries against foreign competition. Although these beliefs did not disappear totally, they were frequently challenged, as new concepts such as "individual initiative," "economic efficiency," "competitiveness," "austerity," and "productivity" entered the arena of public

²⁹³ Myriam Catusse, 1999, op.cit. p. 113.

²⁹⁴ Guilain P. Denoeux and Abdeslam Maghroui: 'The Political Economy of Structural Adjustment in Morocco' in Layachi: *Economic Crisis and Political Changes in North Africa* (London: Praeger Publishers, 1998), p. 58.

²⁹⁵ Ibid. p. 63.

debate. The country slowly began to question its earlier belief in “dirigisme” and “Etat providence.”²⁹⁶

As the two authors correctly point out, this change in attitudes among the political élite was accompanied with a greater popular interest in economic issues. This was witnessed by the success of publications such as *L'Economist* and the multiplication of conferences and seminars.²⁹⁷

5.1.2 The Political Environment

Politically, the 1990s saw Morocco's most profound and accelerated formal political changes since independence, which cumulated in the death of King Hassan II and the accession to the throne of his eldest son, Mohamed VI, on 30 July 1999, and the dismissal of the Interior Minister, Driss Bari, in November 1999. The most important political events were: the Gulf war, two constitutional changes and popular referenda in 1992 and 1996, two legislative elections in 1993 and 1997, and, finally, the government of *alternance consensuelle*. These events and changes were all inscribed into, and the continuation of, a political framework, which Rémy Leveau described as ‘democracy of limited objectives.’²⁹⁸ That meant that despite Morocco's multiparty system, only loyal parties with access to the *makhzen* and the Ministry of the Interior had access to state power. Hence, in this context, the expression ‘political changes’ needs to be qualified: it has been more a rearrangement of the system, resulting from a negotiation process between the monarchy and the opposition parties, which had resulted in the inclusion of the latter in the circles of Royal patronage, in exchange for their almost unconditional acceptance of the status quo.

Indeed, until the legislative elections held in 1997, opposition parties were practically excluded from this circle of opportunity as a result of the patrimonialist practices of the Ministry of the Interior, which controlled political life through the *makhzen*, and due to the privileged position held by ‘legitimist parties’, through their patronage from the Crown. Thus, a paternalistic culture had

²⁹⁶ Ibid. p. 65.

²⁹⁷ Ibid.

²⁹⁸ R. Leveau: ‘Les hésitations du pouvoir marocain’, *Manière de Voir. Le Monde Diplomatique*, Nov. 1994, Paris, pp. 57-59.

been continually reinforced. It was a political culture where all actors had to accept a one-of-a-kind ideology to avoid being excluded from the political arena.²⁹⁹

According to O'Donnel et al. seminal work, political liberalisation is a viable strategy if the political élite believes that the structures of authority will not be modified.³⁰⁰ In the beginning of the 1990s, an accentuated legitimacy crisis made the political establishment, especially Hassan II himself, believe that this was the best option available, precisely because no credible alternative to the monarch seemed to be at hand. The December 1990 uprising in Fes, an anticipated referendum on Morocco's territorial claim over the Western Sahara, the popular demonstrations during the Gulf War in spring 1991, during which the Islamists illustrated their enormous capacity to rally support, all illustrated the need for Hassan II to re-establish control over the domestic political sphere. With increasing activity expressed in civil society (as illustrated in the previous chapter), a project of controlled political liberalisation became a project around which the King could rally popular support to recover parts of the state's lost legitimacy. The adoption of a strategy of liberalisation of the political system started with a constitutional reform in 1992, which should pave the way for opposition parties' controlled participation in King Hassan's government.

Formally, the 1992 constitution provided for the foundation of more accountable government: It empowered the Prime Minister to select his ministers and placed the cabinet under his authority. Previously, it had been the King alone who chose the ministers, who were under his sole authority. In this way, the reform gave more leeway to the Prime Minister to formulate and implement the country's policy. At the same time, by leaving the Prime Minister and political parties the field of 'low politics,' the King strengthened the monarchy's position as that of supreme arbiter "standing above the fray of party politics. And, by refraining from becoming embroiled in day-to-day political battles, he can more effectively justify his far more critical role in the following areas: setting the tone

²⁹⁹Thierry Desrues and Eduardo Moyano: 'Social Change and Political Transition in Morocco' in *Mediterranean Politics*, Vol.6, No. 1, Spring 2001.

³⁰⁰O'Donnel, Schmitter, and Whitehead: *Transformation from Authoritarian Rule in Latin America and Southern Europe*. (Baltimore: Johns Hopkins University Press, 1986).

and general philosophy of government policy; settling issues that are either too controversial or too sensitive to be left to others; and deciding matters of “high policy” (national security and foreign affairs).”³⁰¹ Apart from that, although the King no longer selected the ministers, he ultimately appointed them, and presided over cabinet meetings. Besides, his advisors, only accountable to him, often yield more power than government ministers, and shape the nature and directions of the work of ministers.³⁰² Many other safeguards ensured that ultimate power remained with the King and that the parliament could not pass any laws with which the King disagreed. Consequently, the monarch’s sweeping prerogatives were preserved.³⁰³ As King Hassan put it: “The fact that I am delegating certain powers to the government and Parliament does not mean that I am devolving or relinquishing these powers to them.”³⁰⁴ This became entirely clear when Morocco’s fourth constitution was approved by a 97.2 percent turnout and a 99.97 percent approval despite opposition parties’ calling for a boycott.

In a more practical manner, the 1993 elections, which followed the referendum on the fourth constitution, reconfirmed that the King was still resistant to engage in any power sharing with the opposition parties. This was despite the fact that power sharing would still have been limited through the constitution, which, as illustrated above, secured ultimate power in favour of the monarchy. The first round of the elections raised hopes for the opposition parties. Altogether, they won 101 seats out of the 222 seats filled through this first round. On the basis of this result, observers expected the opposition parties to play an important role in the formation of the next government. These hopes were quickly dismissed when the second round of indirect elections in September 1993 brought the centre-right party *Union Constitutionnelle* to an overwhelming victory. This was regarded as having only been possible on account of the Minister of Interior’s involvement in election rigging. According

³⁰¹ Denoeux and Maghroui: ‘King Hassan’s strategy of political dualism’ in Middle East Policy, Vol. V, No. 4, January 1998, p. 108.

³⁰² Ibid.

³⁰³ See *ibid.*, pp. 109-110.

to many commentators, this happened in order to counter the success of the left-wing-nationalist 'democratic' coalition, the *Koutla*, in the first round of direct elections in June 1993.³⁰⁵

These events pushed Morocco into a deep political crisis. Critical discussions between the King and the opposition coalition continued until November. On 6 November, the King ended the discussions by making clear that there was not going to be a re-run of the elections, as there was no authority to do this in the constitution. Moreover, he said that he had offered a coalition with the opposition, reserving the premiership and the key ministries of interior, foreign affairs, and justice within his own prerogatives. The Prime Minister, he explained, had to be attributed to a member of the *Union Constitutionnelle*, because it was the largest single party in the new parliament. As the negotiations had been fruitless, because neither the *Union Constitutionnelle* nor the *Koutla* parties had been willing to participate, the King appointed four days later a technocratic non-party government, headed once again by the veteran Prime Minister Karim Lamrani.³⁰⁶ The crisis was deepened by the departure of USFP leader Abderrahman Youssoufi into self-imposed exile, which caused the monarchy to propose - one year later - the formation of a coalition government, this time headed by a leader of the 'former opposition.'³⁰⁷ Still, these opposition parties declined on the grounds that - next to the continuing appointment of Driss Basri as the minister of the interior, held responsible for election rigging - this had not been the result of free and fair elections, and therefore void of popular legitimacy. Anyway, the opposition parties knew that next to the all-powerful Driss Basri, not even the premiership would have guaranteed that the political parties could exercise any real power.³⁰⁸

³⁰⁴ Royal Speech, 20 August 1992. Cited in Denoeux and Maghroui: 'King Hassan's strategy of political dualism' in *Middle East Policy*, Vol. V, No. 4, January 1998, p. 111.

³⁰⁵ George Joffé: 'Elections and Reform in Morocco' in Richard Gillespie (ed): *Mediterranean Politics*, Vol I, London, Pinter Publishers, 1994), p. 216.

³⁰⁶ Ibid. p. 216-217.

³⁰⁷ Royal discourse, 14 October 1994, in *Le Matin du Sahara et du Maghreb*, 16 December 1994.

The constitutional changes that were introduced in 1996 on the King's initiative paved the way for *alternance*, by rallying and allying the King more closely to the 'former opposition' around *alternance consensuelle*, issued - at least in theory - from the ballot box (*alternance par les urnes*). The changes instituted a two-chamber system, a lower house and an upper house, where the lower house was to be elected through direct elections, and the upper house through electoral colleges. The upper house had formerly been the one third of the parliament, which had been subject to more interference from the Ministry of Interior, and that had been, generally speaking, more conservative and monarchist than the two thirds that had resulted from direct elections. The constitutional amendments were to allow for new elections earlier, "a device to breach the stalemate ... in which the mistakes of the past could be overcome."³⁰⁹ It allowed for the appearance of a more powerful parliament (i.e. lower house): it was directly elected and the strongest political party, issued from the elections, was supposed to form the government. Consequently, expecting to form a government, the 'former opposition' parties (USFP, Istiqlal and PPS) actively campaigned in favour of the constitutional amendments. They thereby supported the monarch's legitimacy and role in the political process. Therefore, the constitutional reform, much more than any of the other constitutions in the past, strengthened the position of the monarchical institution. However, the significant prerogatives of the second chamber, such as the power to censure the government, made sure that the conservative political current, which was in favour of the monarchy's political prerogatives, would remain a real political check on the so-called democratic political parties. According to Denoeux and Maghroui, the second chamber could be expected to play the role of "defender of the throne."³¹⁰

³⁰⁸ Rkia El-Mossqdeq: 'Les Labyrinthes de l'Alternance au Maroc' in *Annuaire de l'Afrique du Nord*, 1995 (Paris, CNRS), p. 722. Also Rémy Leveau: 'Morocco at the Crossroads' in *Mediterranean Politics*, Vol. 2, No. 2, Autumn 1997, p. 102.

³⁰⁹ George Joffe: 'The Moroccan Political System after the Elections,' in *Mediterranean Politics*, Vol. 3, No. 3, Winter 1998, p. 108.

³¹⁰ Denoeux and Maghroui, op.cit. 1998, p. 114.

The appearance of a more powerful parliament and the real perspective to form under the direction of a Prime Minister Morocco's government of *alternance*, both made the opposition parties cease their rejection of Driss Basri,³¹¹ the all powerful Minister of the Interior. They also accepted the distribution of votes under the supervision of Basri's Interior Ministry. Because of the effective absence of strong conservative currents during the elections of the lower house (which were now being 'stored' in the upper house with similar competencies as the 'lower house'), the 'former opposition' could save its face and appear to have been 'elected by the ballot box' despite remaining effectively marginalised as a political current. In the lower house, the *Koutla* bloc won 102 seats out of 299 seats (and here the USFP was effectively the 'winning' political party with 52 seats). In the new 270-seat upper house, it captured only 44 seats.³¹² Through the appointment of the USFP leader Abderrahman Youssoufi as Premier on 4 February 1998, and the face-saving measures that the constitutional amendments ensured, the King's third attempt at *alternance* succeeded despite the continuation of Driss Basri as the Interior Minister. In addition, the King's largely defined prerogatives became institutionalised in the so-called *ministres de la souveraineté*. These were ministers, who were directly appointed by the sovereign (i.e. King). These were not defined by the constitution, and emanated from the King's definition of political practice. They were to ensure that he alone ultimately remained in charge of sensitive areas related to his claim to be Morocco's religious leader. These were the Ministries of Justice, Foreign Affairs, Interior, Defence, and Religious Affairs.

All these events that led to the installation of the government of *alternance*, despite their limitations, resulted in a normalisation of the Moroccan political

³¹¹ George Joffé, 1998, op.cit. p. 110.

³¹² Ibid. p. 111.

régime. The absence of confrontation, as already noticed by Tozy in 1989,³¹³ became finalised and institutionalised.

5.1.3 Summary Section One

As this description of the political and economic environment shows, general changes here favoured the emergence of individuals' occupation with political issues. The political and economic situation put more emphasis on the responsibility that citizens and elected bodies enjoyed concerning public affairs. This meant that the public sphere, as a sphere in which individuals of civil society act on behalf of public issues, was able to further develop. Taken together with earlier success in the 1980s and early 1990s, the climate for mobilisation had been viewed by activists as being favourable. In turn, as I will illustrate in the following section, they accelerated their interference in the public sphere, adopting, however, not always identical and homogenous modes of mobilisation.

³¹³ Mohamed Tozy: 'Représentation/Intercession. Les enjeux de pouvoir dans les 'champs politiques désamorçés' au Maroc' in Annuaire de l'Afrique du Nord, Vol. 28, 1989, Editions du CNRS.

5.2 Section Two: Consolidation of Civil Society

5.2.1 The foundation of other single-issue associations

Similar to the group of associations referred to in the previous chapter, this group of associations are identified as being single-issue and self-limiting. Examples are taken from the political and the socio-economic realm.

Alternatives

In December 1995, a group of middle-class intellectuals and academics founded the political association *Alternatives*. Repeating the experience of women's associations, it was created on purpose outside the political party system in order to escape the imposition of party discipline. However, also similar to the women's groups, it was close to the Communist party *Parti du Progrès et du Socialisme* (PPS) and was formed in the *Centre de Recherche Aziz Belal* in Rabat Agdal, (Aziz Belal was a former leader of the Communist party), which organised debates and conferences. According to one militant, in this centre

the discussions and the ideas were very free, so one day some five or six people, among them the director of *Alternatives*, asked themselves why they did not found a political association. Such a thing didn't exist in Morocco at the time, there were only political parties. These five or six people (some were members of Socialist parties) started to think about forming a political association, reasoning that an association was not strict, it didn't have a party discipline or a secretary general, who decided political issues. Its members, in the spirit of liberty, were active on a strictly voluntary, and benevolent basis. ...and that's how they started to work, in clubs, cafés, and private homes. The emphasis of their approach was that of universality of ideas, and a wish to bring about a form of democracy and justice, through which to change contemporary Moroccan politics.³¹⁴

³¹⁴ Laila Taleb, interview with the author, Rabat, 26 January 2001.

When the charter for *Alternatives* was presented in its first general assembly, which numbered some 40 people, many people from the older political parties came and questioned whether this was not the beginning of a new political party.

Maybe, we wanted to be competition for them, especially for the USFP. So, we had to clarify that this was not the beginning of a party, the journalists also thought that this was going to happen. This was because Abdelali Benamour, one of the former leaders of the USFP, created the association, so people thought that he wanted to have his own party. So we had to clarify that this was not going to be our goal and our function. We wanted to be an association that advises, helps, and influences political parties, on the level of reflection, research, and ideas, so that we act as a think tank for them. We want to influence the political sphere, in order to change a political position or a decision.³¹⁵

Alternatives had no difficulties in getting officially recognised, as it was not perceived as a populist mass-movement. “We only wanted to talk about politics, in the salons, we wanted to think and reflect on what is happening, we were not an association of unemployed people, with specific demands.”³¹⁶ This also seemed to be the reason why the association had been noticed by the establishment and why it had not been regarded as threatening. “*Alternatives* has gained a certain significance in the political setting because we have a clean image, we are not an association of ex-prisoners who want more money for whatsoever. We have an image of an association that wants to reflect on what is going on in Morocco.”³¹⁷

As a result, *Alternatives*’ critique of the political sphere is couched in intellectual references and addressed to the political parties. It avoids sensitive issues such as the position of the monarchy and the system of patronage that structures the administration in Morocco. Hence, shortly after the accession of Mohamed VI, *Alternatives* expressed its hope to see a new era coming, which amounted to a positive critique of efforts already being undertaken. It did not

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.

demand a change in practice but a simple continuation of efforts already being visible.

Since last summer, the rhythm of reforms has seen a comprehensiveness, which has surprised more than one...Public liberties (closure of the file concerning the disappeared, the return of Serfaty), the nature of the authority and its relationship with the citizens, the launching of the big reform projects (administration, education) and last but not least a new approach in the exercise of Royal power (proximity, easing of Royal protocol), these were some signs which should theoretically translate into the beginning of a new ere. Lastly, the dismissal of Driss Basri the 9 November 1999, does this constitute the beginning of the dismanteling of a whole system?³¹⁸

Alternatives' critique has been directed towards the so-called political class, i.e. mainly the political parties of the *Koutla*, which is seen as an antithesis to the dynamism of the new King, who evokes the spirit and the expectations of his people.

The overwhelming majority of the political class has pointed out the real tension that exists between the expectations of the population, best expressed by a young and dynamic King, and the dangerous attentism of decision makers in the political sphere. The political parties of the *Koutla* ... seem hit by a preoccupying lethargy.³¹⁹

As a result of its intellectual approach, *Alternatives* can be seen as working towards a restructuring of the multiparty system. Parties with similar ideas (conservatives, social-democratic parties) should unite and restructure their own internal organisation. By becoming internally democratic, they could act as real channels of interest articulation. Hence, *Alternatives* major political demand since 1999 has been to

³¹⁸ *Alternatives* Lettre d'information et de réflexion No. 6, Janvier 2000, p. 3

³¹⁹ *Alternatives* Lettre d'information et de réflexion No. 6, Janvier 2000, p. 5

stop this atomisation of the political parties in the sense of a recomposition of the actual political field on new, clean, transparent, and efficient basis.³²⁰

In order to bring about a change in this direction, *Alternatives* organises summer schools and conferences on specific topics, to which they invite representatives of the political parties and specialists in the field. In its own words “it transcends political rhetoric and works for a field of reflection, in which figures the problematic of the emergence of a grand movement of progress and modernity, passing by a reform of the political party system in Morocco.”³²¹ Relations with the political parties have been marked by tension, not only because *Alternatives* was trying to interfere in what can be regarded as their internal affairs (which reflect on the positions of certain people within the parties) but also because it was seen as a potential competitor in the political field, perhaps even transforming itself into a political party. Hence, all *Koutla* parties (except for the *Parti du Progrès et du Socialisme*) would not allow their members to become members of *Alternatives*, though this directive was not always followed.

Despite these tensions resulting from the particular party logic of Morocco’s multiparty system, the impact of *Alternatives* should not be underestimated. It can be seen as an expression of the intellectual élite of Morocco that in 1995 was faced with continuing authoritarianism and evident friction between the monarchy and the political parties. All this at a time when a spillover effect from Algeria’s civil war was threatening the modernist agenda. In the words of one of *Alternatives*’ founding members, Azzedin Beniss, it was an

attempt to open the political system and to initiate a dialogue between the democratic parties and the government, to initiate a counterbalance against the anti-modernist agenda. Civil society, then, became the space, where we could say whatever we thought. We thought that the professional politicians shouldn’t have the monopoly over politics, it needed something else. *We didn’t want to become surprised like in Algeria. We*

³²⁰ Ibid.

³²¹ Ibid. p. 6.

had to make sure that our door to Europe remained open, and we had to save our modernity. Many people have been brought up with the values of modernity. Doctors, engineers, technicians, academics, they all thought that we had to help history to progress, because if not, we will see regression. *Alternatives* was founded on the premise to fight against extremism, to keep and save our culture. Hence, the first idea was to reconcile the King with the political parties of the left, the second the *horizontal recomposition and the rationalisation of politics*.³²²

The formation of *Alternatives* was provoked by a psycho-social atmosphere that made it attractive to middle-aged men and women with a liberal-modernist vision. Hence, the average age of its 500 members is between 40 and 50 years. It comprises large parts of the middle and upper-middle class: entrepreneurs, the liberal professions, doctors, pharmacists, journalists, artists, academics and high-level public sector employees. It first became outspoken during the anti-corruption campaign - *campagne d'assainissements* - in 1996, and acted as a mediator in the *Gentlemen's agreement*, reached between Casablanca's business sector and the Ministry of the Interior, when arbitrary government actions resulted in the near breakdown of Casablanca's port activities.

Transparency Maroc

As in other developing economies, corruption is a huge problem in Morocco. From high level civil servant to traffic police, from simple services such as obtaining a passport to huge investments in the privatisation business, Moroccans pay and receive incredible sums, about which - due to the nature of the transactions - no statistics are available. In the face of this problem, a group of people influenced by the Berlin-based association *Transparency International* founded *Transparency Maroc* (TM) on 6 January 1996. In its charter it defined its objective clearly as fighting against corruption at all levels of Morocco's political organisation, since corruption existed in connection with political, juridical, administrative and economic power.

³²² Azzedin Bennis, interview with the author, Rabat, 30 January 2001, emphasis added.

Corruption is this intolerable action which results from an abuse of political, judicial, administrative and economic power, and its misappropriation at the profit of private interests. Generally, it consists of the demand of a illegitimate remuneration in exchange for an advantage, which can be a unlawful advantage or a legitimate right, which is here confiscated and rendered inaccessible.³²³

As the association's objective conflicts with vested interests in the régime, it had difficulties in getting official recognition. Because of this, the organisation had to work illegally until 1998. The administration had refused to deliver the so-called 'legal receipt.' When a former president of the *Organisation Marocaine des Droits de l'Homme* (OMDH), Omar Azziman, became Minister of Justice, he recognised the association. Subsequently, the responsible governor within the Ministry of Interior recognised the association as well. In the period of its illegal activity (1995-1998) TM had built around itself a network of other NGOs, whose offices they used for public meetings. This was necessary to avoid being subject to repression. These 'safe-harbours' were usually the two active human rights organisations *Association Marocaine de Droits de l'Homme* (AMDH) and the OMDH. Whenever TM gave a press conference, it did so at these organisations' offices and in combination with these associations' names. The first president was Sion Assidon, a factory owner and former political prisoner. He was in charge until 2000, when Bashir Rachdi, a company director, took over.

In the organisation, one finds the same people that had worked in earlier projects such as *Kalima* (Nourredine Ayouch), women-associations, and the *Organisation Marocaine des Droits de l'Homme* (OMDH). Ahmed Ghazali and Fatima Mernissi supported the project. Rachid Meknissi Filali, the present secretary-general, was also a founding member of the OMDH, and one of those members who had left it shortly after its foundation because of doubts about the its independence from political parties.³²⁴ Before its foundation, people who had

³²³ Charter, quoted in Transparency Maroc: *La Corruption au Quotidien* (Casablanca: Le Fennec, 1999), p. 99.

³²⁴ This occurred in 1993, when Abdelazziz Bennani (USFP) took over the presidency and when the USFP dominated the national bureau. Interestingly, in order to gain credibility and to mark the OMDH's independence, Bennani left the USFP later on.

been asked to participate were sceptical because of the sensitive issue that this association touched. Moreover, the question of foreign involvement in what was regarded an internal affair was viewed critically. After all, it was originally the idea of an association that was based in Berlin. The relation between *Transparency Maroc* and Transparency International is expressed by Meknassi-Filali in the following words,

We were not so much interested in international transactions, which were the first objectives of Transparency International, and we wanted to look at what was going on in our country, and here government and administrative corruption is much more urgent than any kind of transaction between General Motors and BMW. Then, we wanted to take action against those involved, whereas Transparency International based its work on the principle of indemnity. We wanted to talk about things like citizenship, something that was lacking here and something that we had to introduce. Transparency International did take quite a few things from us, and has changed its perspective with us as well. Another reason why we did not want to become a section of Transparency International is the situation of Moroccan law. As an international organisation, we can be subject to much more control than if we are a national organisation. Every governor could have asked us for a list of members, information about whatever he wanted, and could have looked into our offices.³²⁵

Having constituted itself and its objectives, *Transparency Maroc* (TM) started to work in an environment that members describe as favourable. International pressure and internal restructuring had resulted in the fact that corruption was an issue that many foreign donor organisations wanted to deal with. Consequently government officials wanted to be seen to be dealing with it as well. Hence, the state introduced a *Comité National de Lutte contre la Corruption et la Moralisation de la Vie Publique*. Here, government ministers, TM, and representatives from the World Bank and the United Nations Development Programme tried to establish a strategy for the fight against corruption. TM's attitude towards this organisation is, however, very critical,

In the beginning, the objective was to install a *system national de l'intégrité*, but the committee did not have any means to do

³²⁵ Rachid Meknassi-Filali, Interview with the author, Rabat, 14 June 2001.

anything and it, ultimately, had no control over government. As a result, it became a place where ministers presented themselves in terms of how many people they had detected, and what they did with them. It was like in a bank, where each department gives its annual report. This was nothing but rhetoric. A place of information, but not of global diagnosis. So we told them that this did not work, and we told everybody else, but of course we leave them as they are and that's it. We didn't shut the door completely, but we said that this wasn't leading us anywhere. If they want to work, please do so, also with us, but do it seriously.³²⁶

The fact that the problem is recognised by the régime does not mean that corruption can be fought against. The problem is not only that everybody is involved, but also that illiteracy and the feeling of subordination to the administration hinders the establishment of a consciousness of 'having rights.' The development of such an awareness would again transform Moroccan 'subjects' into 'citizens.'

We are in a third world country with an economy that is changing rapidly, and because of this, there is a close mafia-like connection between the economy and politics. Then, of course, there is the problem of illiteracy, which translates itself into the feeling that people don't have any rights. Reform of the system of justice, and introducing a feeling of citizenship - that's what we still have to accomplish. But the problem is that the main politicians don't want to change anything. Problems are everywhere, for instance Azziman's position within the *Comité Général des Magistrats*, head of this 'self-governing body' is the minister. Independence does not exist. Azziman himself: is he a government minister, and therefore accountable to the government or a 'minister of the sovereignty', and therefore accountable to the King? As everybody knows, he is the latter, so how can he change things? 80 percent of all magistrates are corrupt, and then also the lawyers, who are the guys who bribe the magistrates.³²⁷

As a result, despite the recognition and the efforts undertaken, the fight against corruption remains one of most the difficult tasks that any association could have taken up. One of its symbolic successes in the political field had been the naming

³²⁶ Ibid.

³²⁷ Ibid.

of its foundation date, the 6 January, as the National Day Against Corruption. Next to the public sponsoring of the *Comité National de Lutte contre la Corruption et la Moralisation de la Vie Publique*, the public discussion of a scandal (2000-2002), which brought down the directors of *Crédit de l'Industrie et de l'Hotelier* (CIH), illustrated the government's attempt to engage in the public discourse and to find public culprits. The Minister of Justice seemed eager to bring to justice all those directors involved in the granting of credits based not on guarantees but only on personal connection and bribery.³²⁸ Many journalists - some of who have also been foundation members of the TM - have taken up the issue despite being often under the pressure of their conservative and party-affiliated directors.³²⁹

Association Marocaine des Chômeurs Diplômés (Moroccan Association of Unemployed Graduates)

In terms of street presence the Moroccan Association of Unemployed Graduates has become one of the most active associations in Morocco. With around 30,000 members, it is also one of the biggest associations that caters for the problems of young graduates, who are finding themselves in an economic impasse. Since the early 1980s, neither the public nor the private sectors have been able to absorb the university graduates produced by the explosion in higher education. In comparison with other associations, the unemployed graduates use strong language. Usually they are not covered in the national press (if they do not get repressed by the security forces such as in Smara on 17 November 2001), and have been subject to repeated repression in the past decade.

We have two main goals: First we want to force the state to create jobs, and secondly, we want to establish real democracy.

³²⁸ See *Maroc Hebdo International*, 31 May - 6 June 2002, pp. 14-15. The affair has prompted the parliament to establish an independent parliamentary commission, which, for the first time in Moroccan history, brought the results into the public (despite having had the legal framework since 1992). This prompted the OMDH to positively sanction this novelty in Moroccan history. OMDH: 'Communiqué au Sujet de la Commission d'Enquete sur le CIH', Rabat, 27 January 2001.

³²⁹ Nadja Salah director of *L'Economiste*, M. Nanaa, from *La Vie Economique*.

not this kind of façade democracy, with the other forces of civil society.³³⁰

The Moroccan Association of Unemployed Graduates was founded on 21 October 1991 from within the UNEM, the *Union National des Etudiants Marocains*, but has not received public recognition until recent times. Nevertheless, they receive the sympathies of some trade unions, which offer them office space and political support. Hence, when they held their constitutional assembly, it was held within the headquarters of the *Confédération Démocratique du Travail* (CDT, close to the main Socialist party *Union Socialist des Forces Populaires*) in Casablanca; despite the immense police presence at that time, the police did not intervene. “At the headquarters of the CDT, that would have been too tricky”³³¹ Its leadership’s idiom is that of radical leftist ideology with a tinge of Marxist-Leninism. Its first president for instance, Omar Baaziz, describes himself as Baathist. This, however, should not be taken as the organisations ‘official’ ideology: many Islamist students, sharing the same fate as their more secular colleagues, publicly participate in the association’s actions. Its activities are street-based: masses of unemployed graduates organise sit-ins in front of the parliament, demanding negotiations with the Prime Minister, Minister of Works, or in the case of repression with the Minister of the Interior. As one militant explains,

The first sit-in in front of the parliament was on 25 March 1998, after that we met the president of the parliament, Abdelwahid Eradi. We handed over a letter, in which we listed our demands. On 17 April 1998, we met the Minister of Works Khalid Alioua, and on 3 June, we met the Interior Minister Driss Basri together with the Minister of Works. On the 26 October, we organised a march in front of the parliament, which was a really big thing, and this was then, unfortunately, immensely repressed by the police. Many people were detained, but despite of this, we continued our demonstration by separating ourselves and marching in different directions in smaller groups, everywhere in Rabat. On 4 November, the Minister of the Interior invited us for negotiations. We talked about the repression, and in an official declaration on the same day, he apologised for the tough police intervention. He

³³⁰ Omar Baaziz, interview with the author, Rabat, 27 January 2001.

³³¹ Ibid.

basically recognised us, but only indirectly. We arranged a meeting with the Ministers of the Interior, Labour, and Education on the 1 December 1998. And during these negotiations, they agreed to our demands but nothing has happened so far. Afterwards, the government launched a *Conference Nationale pour la Lutte contre le Chomage* in Marrakech, 11-12 December 1998 with the King, who had proposed this conference. We decided to participate in this conference; such a National Conference had always been our idea, although this time, the government had taken the initiative. They thought that by ensuring a dialogue, stability would come back to Morocco. But this conference was not democratic, we didn't participate in the preparation of the conference, neither did we participate in the agenda. At the conference, there were academics (Moroccan and foreign), government functionaries, political parties and trade unions. Because we didn't agree to what they were talking about, we decided to hold a press conference, in order to express our point of views. But we were not given a room to do this, well, we did it anyway. *We told the press that we were against all the resolutions, and the conference didn't have the power to legislate anyway. The government only profited from the conference, to establish its political will against which we were fighting.*³³²

This declaration shows that the association resisted the government's attempt to pre-empt its language, when it organised a conference on the issue. This was perhaps a result of its successful attempt to resist being dragged into party politics. The association's internal structure had been oriented towards one common goal: that of creating employment in the government sector. As Leveau and Bennani remarked,

The young people who are active in the different sections of the unemployed graduates ... have a trajectory marked by a rejection of ideological cleavages at university, which have killed the demands of the students' unions. Their leaders orient their action towards the right to work and towards the right to organise themselves. This is in a way contradictory with the approach of political parties, whose ultimate objective is to participate in the exercise of power.... They refuse to let themselves pulled into the political field.³³³

³³² Ibid. Italics added.

³³³ Hamit Bozaslan, Monnia Bennani-Chraïbi, Rémy Leveau (ed): *Acteurs et Espaces Politiques au Maroc et en Turquie* (Berlin: Centre Marc Bloch, 1996), p. 90.

This ability to resist all attempts at its official incorporation seems to result from the forceful analysis of their own economic situation: personal, the activists are unemployed, and public, official, ‘corrupted’ policies are responsible for their situation, within an increasingly ‘globalised economy.’ Their point of view issued from an analysis that blames International Monetary Fund (IMF)-enforced liberalisation policies for unemployment, and accuses the state of wasting public money. In addition, mainly due to corruption, many companies do not pay their taxes.

What Crédit Agricole [a Moroccan public bank] does is even more striking, as we see that money is going into the wrong channels. Public money is here financing private sector projects, and the profits do not return into public coffers. 35 % of Maroc Telecom, sold to French Vivendi, could have been sold for 5 billion dollars, but was given for half of this, money that is lacking now. The whole thing is that wrong problems have been imagined or created, such as Structural Adjustment and the Small State. 60 percent of Morocco’s population is still illiterate, the social security system basically doesn’t exist, and basic things such as electricity and sanitary systems are non-existent, not to speak of all the other tasks such as in the environment. The state still needs to work. But the state, they tell us, doesn’t need anyone anymore, the public sector is saturated. We should look for work in the private sector. But this is not true, there is enough money around, it’s just a problem of salaries and of the distribution of funds. One member of parliament gets 35,000 Dirham per month, and there are posts that get up to 300.000 Dirham each month! 680 public companies exist, but 607 are not controlled financially by the authorities. That means that nobody knows what is going on there, and how much money they take although they have no right to. There are 30,000 functionaries that don’t do anything, but who get an enormous amount of money, on top of their normal income. These are usually family members of the *grand-functionnaires*.³³⁴

Recent examples of privileges include Hicham El Guerouj, Morocco’s athletic champion, who received a substantial amount of land from the monarchy in return for his extraordinary performances for Morocco. The association sees its existence as a success in the history of Morocco, not just because it is the first

³³⁴ Omar Baaziz, interview with the author, Rabat, 27 January 2001. See also *Demain*, No. 19, 26/05 - 01/06/200. See also letters to the editor, *Demain*, No. 20, 2/06 - 9/06/2001.

association of its kind in the world, but also because they have managed to talk to ministers and to make unemployment a public issue. Moreover, it was seen as a signal for the success of the association that in a speech on 10 January 2001 the Minister of Labour recognised some of the problems that the Unemployed Graduates Association had been seeking to emphasise.

On 10 January, the Minister of Work made a very important declaration concerning the distribution of jobs in the public sector. If a post is created in the public sector 95 percent are given to people who are willing to pay for them or who have a special family connection to the distributor, i.e. government official. That's the corruption within Moroccan authorities. The government will reduce the salaries, and he talked about these ghost jobs [*postes phantomes*] and privileges. Created jobs must be distributed according to equal criteria. Finally the government talks clearly about what we have been talking about all the time. That was the result of our work! Of course, we are still afraid that the government will do nothing.... This was the first government statement. But of course, it's election time in Morocco, let's see what happens.³³⁵

*New Local Environment and Development Organisations: Anzat
Environnement et Développement*

What most environmental groups have in common in Morocco is their close relationship to development within the concept of *sustainable* development.³³⁶ Questions of development are treated at the same time as questions of environmental protection. Both are regarded as having the same roots as they are two sides of the same coin: increasing demographic pressure on the cities is the cause for the breakdown of the system of rubbish collections; the high illiteracy rate in rural areas causes the lack of public consciousness and the failure of governmental awareness campaigns. Hence, socio-economic development goes hand in hand with the protection of the environment. *Anzat* - meaning friendship - is a typical association, the creation of which was provoked by the human problems that are only too evident to the inhabitants of the bigger Moroccan towns. *Anzat* can be regarded as an ideal-type for local associations, in the sense

³³⁵ Interview held in Rabat, 27/01/2001.

that communitarians thought of associative activity.³³⁷ Friendship, community spirit, and sensitivity to local problems are its main driving forces. It is constituted by young people, who have known each other since their own childhood, and who want to solve local problems in the vicinity of Mrissa in Salé in the absence or the incapability of the state. It was founded in 1998 by a group of 10 young people and up till now has approximately 50 members. Ali Tazi, secretary-general of the association, explained that:

We founded the association because we believed that it is the civil population that needs to take the initiative in the development of the country. The state does not have the capacity, financially and morally, to do this.... We saw that political parties, even if they do have a programme that includes environmental questions, do nothing once in power and leave the problems as they are. Hence, we wanted to do all this ourselves.³³⁸

Anzat tries to motivate unemployed graduates to do something voluntarily for their neighbourhood, as they see this as a way to integrate those without a job into the social network created by the association. It organises round-tables and conferences on international environmental standards and their application in Morocco, thereby involving political parties, specialists, academics and other NGOs. Round-table discussions have focussed on methods of recycling waste, and on the impact on the population's health of the lack of social and medical infrastructures. Every year *Anzat* organises a cultural festival in their neighbourhood, and combines it with raising public awareness for local environmental problems. In 2001, *Anzat* invited the Minister of Culture and other locally elected members of parliament to this festival. It acts as a mobilising force against the local factory *Liège du Maroc*, which is situated in the middle of a heavily populated residential area. The local population, including the political parties, have been fighting for years for the control of the toxic fumes released

³³⁶ This was originally introduced by the Brundtland Report (1987). See Guni Bung Softing: The Brundtland Commission's Report – 10 Years (Oslo: Scandinavian University Press, 1998).

³³⁷ Benjamin Barber: Strong Democracy. Participatory Politics for a New Age. (Los Angeles and London: University of California Press, 1984).

³³⁸ Ali Tazi, interview with the author, Rabat, 26 May 2001.

by this factory, which are considered responsible for a higher degree of cancer in the area. As Ali Tazi recalls,

It has been there for a long time, and when it started operating this area was in fact not populated, people came later with increasing migration into the cities. This is why the owner refuses to shut down the factory or to install the necessary filter systems, because he says that he has been there longer than the people, even if this doesn't really matter for the people born and brought up there. Anyway, the problem is that this guy has excellent relations to some of the King's advisors, which is why he is a very powerful man in Morocco, and no alliance of political parties and local groups can force him politically to shut down or to change some critical aspects of his factory.³³⁹

Like many other NGOs, *Anzat* gets project-based funding from international NGOs, such as *Enda Maghreb*. The executive committee members are largely unaffiliated to any political party, its executive committee being young and, according to Tazi, not interested in politics. Some people, however, do hold party-membership which is used when the association wants to publish something in a party-based newspapers. Contacts with parties are important for the efficient functioning of publicity. As the secretary-general holds party-membership with the *Istiqlal* party, the association has worked more closely together with the Minister of Labour and the Minister for Planning, both of whom are members of the *Istiqlal*. The explication is the following:

We did work together with the Minister of Labour, M. Abbas El Fassi, secretary-general of the *Istiqlal*. This is because he supports a lot of associations that are beneficial, and gives funding to temporary projects. Another governmental department is the Minister of Planning, Dr. Aoud Abdelhamid, from whom we get a lot of information and statistics about the infrastructure and the micro-economics in the area.³⁴⁰

Co-operation with the *Istiqlal* party results automatically as the secretary general of *Anzat* is a member of the *Istiqlal*. This explains a certain suspicion of other political parties about the association's activities. This illustrates a conflict

³³⁹ Ibid.

³⁴⁰ Ibid.

to which associations generally are subject. Political parties generally tend to be suspicious and fear that an association is taking ‘a piece of their cake’ when it rallies local support for cultural, environmental or political projects.³⁴¹

5.2.1.1 Summary: The foundation of self-limiting single-issue associations

The foundation of new associations that follow the examples of those associations that became active in the 1980s proves that the activities of earlier single-issue organisations in challenging the state’s hegemony had been perceived as successful. The state was no longer considered as *the* agency equipped with the necessary human, moral, and economic resources to lead Morocco into a project, be it economically or politically. They display in their activities what Jamaï had earlier referred to when he had confronted the Interior Minister, Driss Basri: the people’s awareness that it must engage in the public sphere and criticise certain policies. It therefore illustrates the increasing size of the public as a sphere in which private citizens discuss public issues, from directly political questions, corruption, unemployment, and development. In their different areas, people who participate in these public spheres though their activities are individually concerned by public decisions in their specific domain.

³⁴¹ There is a certain similarity with the association *Alternatives*, which is, as aforementioned, close to the PPS.

5.2.2 Power Seeking in the Periphery of 'self-limitation'

I have included groups of associations in this sub-section, that are not 'self-limiting' in the sense that they are power-seeking. Morocco's two Islamic organisations, although having different approaches to the monarchy, share this feature.

*Al-Islah wa at-Tajdid within the Parti du Justice et du Développement (PJD)
(former Mouvement Populaire Démocratique Constitutionnel, MPDC)*

In contrast to all the other associations treated in this thesis, *Al-Islah wa at-Tajdid*, Morocco's moderate Islamic movement led by Abdellah Benkirane, has become an accepted political party. Before the 1997 parliamentary elections, it had allied itself to Khatib's party MPDC³⁴² and participated under its banner in the elections. It thereby gained official recognition as a political party and subsequently supported the Socialist government-coalition (*Alternance* since 1998). The association is represented in all parts of Morocco, and has become a tolerated Islamic association that, through its alliance with the MPDC, was given a political impetus.

It started its activities as an illegal organisation that was connected to the Islamic Youth (*Achabibaa al-Islamiya*) of Abdelkarim Moti'i, who had been implicated in the assassination of *Union Socialist des Forces Populaires* (USFP)-leader Omar Benjelloun in the 1970s. It later distanced itself from these radical tendencies and tried to create a wider Islamic platform. When it changed its name from *al-Jamaa al-Islamiya* to *al-Islah wa at-Tajdid* in 1992, its spokesman Mohamed Yatim declared,

³⁴² *Mouvement Populaire Démocratique Constitutionnel*. The MPDC had been a result of many splits within the *Mouvement Populaire*, originally created by Aherdane immediately after independence, the main political rival of the *Istiqlal*. For many years, it had been unsuccessful during parliament elections, essentially because it did not have any followers. It was regarded as an empty shell, which the *al-Islah wa at-Tajdid* was allowed to fill and to give a political content.

The objective of the moment is to confirm the pacific and legal character of the movement in order not to be penalised for former references. We believed wrongly that the problem would be to change the state from above. However, the problem in Morocco does not consist in the construction of an Islamic state. An Islamic state exists constitutionally and in terms of doctrine. The problem is not that of a laic political party which tries to get rid of all religious aspects of the social and political life, but to give this religious legitimacy, recognised socially and politically, the means to be really present...³⁴³

As can be seen, the course that *al-Islah wa at-Tajdid* took, resembled in large parts that of the *Koutla* opposition at that time, and indirectly also that of the other self-limiting groups - despite the fact that *al-Islah wa at-Tajdid* is power-seeking through its existence as a political party. It recognised the monarchy and its prerogatives, and found a place within the consensus thereby created. Hence, politics became possible because the goal of opposition activity became 'defused', which meant that the goal of political action had ceased to be the central power.³⁴⁴ Even though it was not allowed to form a political party, it could join - at first as independent candidates - the *Mouvement Populaire Démocratique Constitutionnel*, (it changed its name shortly afterwards to *Parti de Justice et de Développement*, PJD), thereby establishing a political movement in formal politics.

The MNPC's retreat in the June 1996 communal election, however, was a sign of uneasiness that fell over its leader, Khatib, and the authorities. If the *Islahists* (as they are called) had become too strong in this election, Khatib would have lost control over the party. The *Islahists* reaction surprised the political establishment in that they showed significant restraints and did not criticise the leadership's decision not to participate. Instead they put up independent candidates. Concerning these communal elections, Tozy pointed out the patience of the Islamists and their well organised pedagogic efforts. During

³⁴³ Mohammed Yatim quoted in Mohammed Tozy: 'Reformes politiques et transition démocratique' in *Monde Arabe Maghreb-Machrek*, No. 164, April-June 1999, pp. 79-80.

³⁴⁴ See Mohammed Tozy: 'Les enjeux de pouvoir dans les champs politiques "désarmocés"' in Camau (ed): *Changements politiques au Maghreb*, (Paris: Centre National de la Recherche Scientifique, 1991).

the summer, they presented themselves with a moderate image, and at no moment did they criticise either Khatib (the party's leader) or the administration. Again, according to Tozy, their pragmatism had been nourished by two central references in their philosophy and action. First communitarian US and UK literature had become part of their articulated ideology. Second, the *Islahists* repeatedly mentioned that they accepted to co-operate with Morocco's socialist political parties, which were in the middle of a negotiation process with the monarchy. After their modest results in the elections³⁴⁵ both the administration and Khatib were more willing to have the *Islahists* participate in the November 1997 parliamentary election. Here, again, the *Islahists* were keen to present a moderate image, and observers were surprised both by their professionalism and their emphasis on the pre-election campaign. They did not resort to discrimination of secular positions and neither did they use mosques in the election campaign. In their election programmes, the word *shari'a* was not evoked, and when candidates played the moral card by criticising corruption, they usually based their critique on the history of their adversaries and not on his or her impiety.³⁴⁶ Importantly, the PJD declared in 1998 its 'critical support' for the socialist government coalition and has played with its 12 parliamentarians a leading role in parliamentary politics since *alternance*.

Evaluating the *Islahists* influence on government politics is easy, as it has been the main social opposition force against the *Plan d'Action* for women's development in 1999/2000.³⁴⁷ It took a critical stance against government's attempts in 2001 to restructure the education system, its emphasis on religious themes dominating the public debate. The failure of the *Plan d'Action* and its mobilisation of popular support against the plan were evidenced in the March 2000 Casablanca demonstration with more than 300,000 participants. This illustrated its capacity to use the street and official channels for political objectives. In its presence on the ground it competes with the Abdessalam Yassine's Islamic organisation *Al Adl wal Ihssan*. In parliamentary politics it aims at establishing itself as a real alternative to the currently hardly noticed

³⁴⁵ 100 councillors and three community presidents

³⁴⁶ Mohammed Tozy 1999, op.cit. p. 82/83.

wifaq opposition (consisting of former Royal 'administration parties'). Its questioning of government ministers during Morocco's 'question time' in parliament on Wednesdays on populist matters such as Israeli-Moroccan commercial relations, or on the de-Islamisation of national education, has become the main demonstration of opposition, since the PJD had renounced its 'critical support' in the aftermath of its own organised protest against the *Plan d'Action* in 2000. When a working committee of the Socialist Minister of Education, Abdallah Saaf, suggested a reform of the national curriculum putting more emphasis on philosophy and arts subjects than on Islamic teachings, Azziz Rabah, member of the PJD executive committee, announced

We consider this a dangerous regression, which threatens our society, even if we are not against these subjects. It would be dangerous if the government continued in this direction. If this is the case, the party would lead a political combat which will be harder than that of the plan for the integration of women. It would be more serious for us because this is about education.³⁴⁸

The threat to fight against this plan is certainly everything but convenient for a government that tries to introduce reforms that correspond to a modern vision of Moroccan needs. The polemic about the *Plan d'Action* shows how the state falls prey to diverging interests, which is from the *Islahists* point of view convenient, as it gives the Islamists opportunity to demonstrate and to organise strength for the coming elections, while at the same time fighting - in a hegemonic sense - its main competitor on the ground, *Al Adl wal Ihssan*. As Nadjia Zirari puts it,

It is not at all impossible that the political combat led by the PJD aims at killing two birds with one stone. First of all, the PJD tries to appropriate a mobilising theme, the question of women, in order to marginalise the democrats concerning a pretended 'identity question.' this also serves to compete in the field with their brother-enemy *Al Adl Wal Ihssan*, the 'extremist' Islamic movement, which refuses to enter the political game. It is trying to gain a strong visibility in the field

³⁴⁷ See pp. 203-219 of this thesis.

³⁴⁸ *Le Reporter*, 17-23 May 2001.

in order to force the monarch and the other political formations to consider them as a major player.³⁴⁹

This visibility is not just a visibility in the street, through the mobilisation of the people against the suffering of the Iraqi or the Palestinian people. As one journalist noticed, its proximity to the people in the popular quarters of Rabat and Casablanca resulted in the transformation of party offices in small associations for local needs. Apparently, it is also the only party that keeps its offices open throughout the year. Their latest move to create an Islamic labour union (UNMT) can be regarded as another step towards building an alliance in its struggle to re-islamise society. The ultimate goal remains to become a real opposition in Moroccan politics, preparing for an eventual alternance and the responsibilities of government.³⁵⁰

Al Adl wal Ihssan (Justice and Benevolence)

The association of Abdessalam Yassine is one of the most active and one of the most repressed in Morocco, due to the language of opposition to the régime employed by its leadership, and due to Sheikh Yassine's Islamic charisma. As the King is *Amir al-Muminin*, he has his proper charisma, *baraka*, confirmed by centuries of tradition, which is not open to challenge. Like *Al-Islah wa at-tajdid*, the association aspires to take part as a proper political player in the political game through its transformation into a political party. Their main difference to *Al-Islah wa at-tajdid* is that they have not accepted the new consensus imposed by King Hassan II, that of recognising the monarchy without questioning its prerogatives. Hence, their activity is still *amorcé* (to borrow Tozy's expression) which means that the goal of political action is still the central power.³⁵¹

This explains the history of repression that the movement *Al Adl wal Ihssan* has experienced. It was created in 1987 and despite the fact that it is based on the

³⁴⁹ Najia Zirari: 'Le statut des femmes au Maroc. Un éternel recommencement.' In: *Confluences Méditerranée*, No 33, Spring 2000.

³⁵⁰ Bahria Amrani: 'Les Leçons de pratique politique' in *Le Reporter*, 17-23 May 2001.

principle of non-violence (many times repeated by its leadership) many of its members have been involved in violent clashes at universities in the last 20 years. The success of its charity and Islamic work in the popular quarters of Casablanca and Rabat have the same causes as elsewhere in the MENA region. Morocco of the 1980s was characterised by the rural exodus and the lack of rainfall on the one hand, while on the other hand enforced International Monetary Fund (IMF) adjustment programmes weighed heavily on the government's ability to provide necessary social services. As a result, whereas the majority of the population was illiterate and had no access to medical treatment or to other public services (running water, electricity) the state left the new arrivals to the principal cities to themselves. The extremely violent protests that marked the beginning of the 1980s gave testimony to the lack of integration in society of huge parts of the population. *Al Adl wal Ihssan* occupied the social and psychological space that the state was no longer able to fill, largely due to the state's lack of human and financial resources, which the motivated Islamic charity workers mobilised in abundance. A certain analogy can be drawn with environment and development organisations treated above, the only difference being that their activity has been embedded into the objective of re-islamising society, whereas those local development organisations are more integrated into secular society and party membership.

At the same time, *Al Adl wal Ihssan* gained intellectual strength through its penetration of the universities. The Iranian revolution illustrated the success that revolutionary Islam could have as an organised political movement. The Islamisation of the universities and the education system was facilitated by the policy of arabisation introduced by the Istiqlal party in 1977. Thousands of French teachers left the education system to be replaced by unemployed graduates from the Islamic faculties, who lacked a scientific background. As a result, the influence of the Left weakened at the same pace as that of the Islamists and its principal organisation *al Adl wal Ihssan* increased, so that

³⁵¹ However, there are signs that this is about to change. One example is Nadja Yassine's, the group's spokeswoman and Sheikh Yassine's daughter, insistence in September 2001 that they *do not* seek to establish an Islamic republic.

Islamic thinking and *Al Adl wal Ihssan* started to dominate the student's union *Union National des Etudiants Marocains*.³⁵²

Occasions such as Casablanca's anti-*Plan d'Action* demonstration in March 2000 or the Palestine Solidarity demonstration in April 2002 are used to show the association's strength and ability to mobilise the masses in its name.³⁵³ According to Tozy, this demonstration of force is possible only due to an extremely hierarchical order of active militants that are estimated to number 5000.³⁵⁴ However, they do not exclusively use the street as their principal scene. In 1999, Morocco's beaches were 'occupied' and the association organised 'morally correct' sun bathing - men and women separated. With participants estimated to number 200,000 this massive show of force was banned the following year, and riot police used against participants.³⁵⁵ *Al Adl wal Ihssan* (AWI) continues to use the street as public space to voice its political demands (its newsletter being most of the time banned) such as support for the people of Iraq and Palestine. At the 52nd anniversary of the Universal Declaration of Human Rights on 10 December 2000, it demanded the right of association and activity. The latter's banning in December 2000 led once again to violence between protesters and police, during which some militants of AWI including, Nadja Yassine, were arrested. Some AWI students, arrested for participating in pro-Palestine demonstrations in November 2000, had already been tried and were condemned to four to eight months' imprisonment. Others, including Yassine's daughter, still faced trial in 2002.

³⁵² Pierre Vermeren: *Le Maroc en Transition*. (Paris: La Decouverte, 2001), p. 53.

³⁵³ It is, however, surely not the only political organisation that uses these issues to mobilise popular support. The expressed solidarity with Palestinians in particular is used on many occasions (benefit concerts, performances, dinners, etc) and a certain competition between political parties becomes apparent. In May 2002, the PJD's collection of money and organisation of a bank-account for the Palestinians was denounced by the USFP for its lack of transparency, asking the anti-corruption association Transparency Maroc to follow suit in its denunciation. The latter, happy to be an independent body, refused on the grounds that this was not a matter that it was concerned with.

³⁵⁴ Mohamed Tozy: *Monarchie et Islam politique au Maroc*. (Paris: Presse de Sciences Politiques, 1999).

³⁵⁵ Interestingly, neither the OMDH nor the AMDH report remarks this use of force.

Paradoxically, *Al Adl wal Ihssan*'s refusal to take part in the political game has become its principal strategy. It uses a language that disregards the priority of the King and continues to broaden its social base. Hence, its refusal to take part in the 2002 elections, an option that it still had in the summer of 2001 if it had renounced certain aspects of its attitude to the monarchy, has not been a matter of fundamental principle but more a strategic choice. In its leadership's thinking, the system was not ready for an Islamic take-over, even were they to win a future election. According to the weekly *Demain*³⁵⁶

They do not want to participate in the 2002 elections. They do not want to because they know that if they won them, they would be immediately deprived of their victory. ... This is contradictory, but the Radical Islamists are apparently afraid of the ballot box. Afraid of the 2002 results, as they should be, if they take place, the fairest elections in recent Moroccan history. They are afraid of a conflict that their victory might cause. ... They want to avoid this conflict at any price.³⁵⁷

Moreover, *Demain* also reported that even if the Islamists were to enter parliament without major disruptions, they regarded it as an institution without any powers. Consequently, they preferred to wait until the circumstances allowed free elections and real power, something that they thought was sooner or later bound to happen. In the meantime, "according to Yassine's Islamists, the best strategy would be to work deep in the social body and to wait."³⁵⁸

5.2.2.1 Summary: Power Seeking in the Periphery of 'Self-Limitation'

Morocco's principal Islamic organisations display features that are significantly different from those of the 'self-limiting' associations discussed in the previous section of this chapter. They are power-seeking and therefore participate in the public sphere not only in order to work for more respect for

³⁵⁶ Many analysts believe that *Al Adl wal Ihssan* could win up to 35 % if allowed to participate in free elections. See for instance Bernabé López García: 'Loi électorale et consensus politique' in *Demain* 3/03/2001, also Bernabé López García: Marruecos político. Cuarenta años de procesos electorales (1960-2000). (Madrid: Centro de Investigaciones Sociológicas, 2001).

³⁵⁷ *Demain*, 17-23 February 2001. See especially Fatiha Layadi: 'Al-Adl face aux échéances électroales de 2002, raisons de la non-participation' in *La Vérité*, 2 March 2001.

³⁵⁸ Ibid.

Islamic values (which remains their single issue) but also to increase their presence in society in order to create a mass-movement. This means that both organisations aim at changing the political status quo, even if the strategies adopted differ regarding their relationship with the monarchy. Another major difference is that they are ‘mass-based’ and that they see as one of their principal strategies the ‘display of force’ in the streets. This is a tactic reminiscent of party and trade union politics, and falls in Morocco into the category of ‘opposition’ and ‘challenge to the state’s legitimacy,’ based as it is on the existence of law and order (see Chapter Three).

5.2.3 Abandoning Consensus for Confrontation: Responses from Human Rights Groups

New problems and strategies appeared in the centre of the OMDH, originally Morocco’s first independent human rights organisation that became, during the 1990s, close to the USFP.³⁵⁹ In 1999 it found itself in a crisis when its vice-president resigned from his post and founded the organisation *Verité et Justice*, which focuses on the special and most sensitive human rights issue, that of forced disappearances and torture. Since the appointment of Youssoufi as Prime Minister and the death of King Hassan II, some members thought that it would be time to take a new initiative and to become more radical. This was to be achieved by becoming more popular-based and increasing the membership base to include the younger generations (the OMDH’s membership structure had been very elitist). Opponents to these changes, however, argued that the OMDH was not a political party, and should continue to act as an independent organisation regardless of the party or King in power. A certain continuity would be the organisation’s strength in order to increase its independence from political currents. Nevertheless, by founding *Verité et Justice* some leading militants thought that the time was opportune to engage in a second mobilisation in favour of human rights and political reform.³⁶⁰ The publication together with the AMDH of a list of high officials considered responsible for some of Morocco’s

³⁵⁹ Susan E. Waltz: Human Rights and Reform Challenging the Face of North African Politics (Berkeley and Los Angeles: University of California Press, 1995), p. 165.

³⁶⁰ Chouib Mellouk, interview with the author, Rabat, 20 May 2002.

worst human rights abuses was certainly a step towards the radicalisation of critique. The state reacted promptly, with the AMDH chief along with 35 other AMDH and *Verité et Justice* activists receiving prison sentences up to 4 months for their unauthorised public demonstration on 9 December 2000, the 52nd anniversary of the UN declaration of human rights.

The background was the following: In November 2000, the AMDH published a list of names, which it regarded responsible for human rights violations that had been committed in Morocco's past. It included former Minister of the Interior, Driss Basri, who had been dismissed only the year before. On 9 December 2000, 36 members of the AMDH were arrested during an unauthorised sit-in that had been organised in front of the parliament. According to the militants, the reason for the massive intervention of the security forces had been the published list, which threatened the 'national consensus' concerning human rights, based on indemnity. Although the human rights group did not get the authorisation theoretically required, the system of authorisation has in itself become a main point of reference that the militants criticise. As one militant comments,

This was a pacifist sit-in, not a demonstration for which it is necessary to get an authorisation, and the constitution gives us the right to manifest peacefully, a right that cannot be taken away by the administration.³⁶¹

The trial that took place in May 2001 condemned the 36 militants, including the president Benamour, to three months imprisonment and to a fine of 3000 dirham each. The arbitrary intervention by the administration, the refusal to give the AMDH the necessary authorisation, and the severe intervention by the police force, was subject to critique in the media. Moreover, the statements by the Minister of Justice, Omar Azziman, and the Minister of the Interior, Ahmed Midaoui, concerning the 36 militants in the TV programme *Hiwar* were widely interpreted as evidence of the executive's interference in the system of justice. As Benamour puts it in an interview with *Le Journal Hebdomadaire*,

I think that the militants of the AMDH were already judged before their trial. The declaration of the Minister of the Interior Ahmed Midaoui during the programme 'Hiwar' on 27 February 2001 and that of his colleague Omar Azziman, the day before our trial, shows the intervention of the executive in the system of justice. If one holds to the articles 239 and 266 of the penal code, which clarifies that the agents of the authority cannot, under no circumstances, intervene in a judicial affair before the verdict, the two ministers have transgressed the law.³⁶²

The trial and the verdict of the court provoked a series of protests, in which the *Organisation Marocaine de Droits de l'Homme* (OMDH) also participated. In a declaration to the press, the organisation expressed its concern about this situation, which "illustrates a narrow, security-minded approach to the administration of public liberties",³⁶³ Its original declaration after these events declared that it denounced

the recourse to brutal force and the contradiction of this recourse with all principles concerned with the liberty of expression and its expression through pacific and legal means. [The OMDH] expresses consequently, with great concern, its strong opposition to the decision to ban these manifestations. [The OMDH] notes that this is the first blow against human rights activists of such scale, which is in contradiction with the Universal Declaration for the Protection of Human Rights Activists, whose initiative and proposition to the international community has been taken by Morocco.³⁶⁴

On the 10 December 2000 the AMDH stated (in English)

Moroccan Authorities celebrated, in their own way, the 52nd anniversary of the Universal Declaration of Human Rights. ... 42 detainees, comprising National MAHR officials and Human Rights activists, ... were brought before the Tribunal of Première Instance This trial follow[ed] a savage repression led by various intervention forces ... against the pacifist protest sit-in before the parliament... under the slogan "We claim unveiling the truth and pursuing those individuals responsible

³⁶¹ *Le Journal Hebdomadaire*, 26 May - 1 June 2001, p. 11.

³⁶² Ibid.

³⁶³ *Le Journal Hebdomadaire*, 26 May - 1 June 2001, p. 11.

³⁶⁴ OMDH: 'Rapport concernant les Evénements du 10 décembre 2000.'

for disappearance, arbitrary detention and torture”. The vicinity of the Première Instance tribunal is under siege of various intervention forces [that use] violence and intimidation to prevent [family members] and human rights ... activists, as well as citizens, from reaching the trial site.³⁶⁵

The choice of language used above illustrates the uncompromising attitude that distinguishes the AMDH. It is this choice of language, which unites the AMDH with the Unemployed Graduates Association and to a certain extent with the *Forum Verité et Justice*. This particular association of solidarity has also been remarked upon by Leveau and Bennani:

Apart from the fact that a certain solidarity expresses itself when one of ‘their members’ is taken by the authorities, certain footbridges [*passerelles*] exist between them, which do not necessarily follow a partisan logic. Therefore, one finds in the OMDH members of central bureau of UAF and ADFM, of Alternatives, the different Berber associations and of the *Centre Contre la Violence*. The leaders of the Unemployed Graduates or the leaders of the association for development MADI are at the AMDH. At each manifestation of one association, the other organisations ... are invited to participate.³⁶⁶

The verdict against the AMDH provoked a certain solidarity, encompassing the independent press (Le Journal Hebdomadaire, Demain Magazine, Le Reporter), as well as Moroccan and international human rights groups. In a self-defence, an ad-hoc group was formed to support the AMDH. This *Comité pour Soutenir les Défenseurs des Droits de l’Homme* included among others trade unions (*Union Marocaine de Travailleurs, Confédération Démocratique de Travail*) and political parties (*Union Socialist des Forces Populaires* and *Parti de l’Avantgarde Démocratique et du Socialisme*).

These events illustrate a central area of conflict in Morocco’s attempt to base changes on continuity³⁶⁷: There is widespread scepticism as to the possibilities of

³⁶⁵ Public statement of the AMDH, Central Committee, 10 December 2000.

³⁶⁶ Leveau et Bennani, op.cit. p. 96.

³⁶⁷ This is, along with consensus building the base of all Moroccan politics, seen as one contribution Jean-Noël Ferrié: ‘Les Politiques de la Morale en Egypt et au Maroc’ in *Monde Arabe, Maghreb-Mashrek*, No. 167, Jan-March 2000.

change in the current political framework, based as it is on consensus and continuity. In fact, not only the association *Verité et Justice* but also the AMDH criticises openly this assumption. Both ask for an open discussion and a putting to justice of violators of human rights. Increasing their pressure, they published a second and a third list of those regarded responsible for Morocco's worst human rights violations during the 'years of lead' provoking further state intervention in their attempt to participate in the public sphere in order to break up the silence that is surrounding this matter.³⁶⁸

5.2.3.1 Summary: Abandoning Consensus for Confrontation

The case of human rights groups illustrates that in a different political environment, such as the death of Hassan II in July 1999, older 'self-limiting' strategies were questioned. As a result, their intervention in the public sphere became more critical, and indirectly their intervention attempted to break-up what had been previously described as 'defused politics.' It was this that ultimately was at stake, when they demanded an "unveiling [of] the truth and the legal pursuit of those responsible for disappearances, arbitrary detention, and torture."³⁶⁹ In the Moroccan context, this has been a strategy based on confrontation, from where results *Verité et Justice's* chosen absence from integrating councils such as the CCDH.

5.2.4 The transformation of a 'loyal' organisation: Developments in the Private Sector

The *Confédération Générale des Entreprises du Maroc* (CGEM) was founded in 1933 as the country's main private sector organisation. It had always been considered to be close to the palace and the state, benefiting from the state's policy of Moroccanisation in the 1970s and the state's hard stance towards the working class movement, unionism and its leftist political parties. Within Morocco's political scene, it was referred to pejoratively as the 'bosses' organisations. Its 1970s leaders M. Amor, D. Qaytouni, and F. Benrahim, heirs

³⁶⁸ *Le Journal Hebdomadaire*, 8 – 14 December 2001.

³⁶⁹ Public Statement, AMDH Central Committee, 10 December 2000

of Morocco's traditional Fassi bourgeoisie (originating from the city of Fes). all supported the state. They called for the protection of the monarchy during the 1960s and 1970s, when revolutionary currents became strong in Morocco as elsewhere (two attempted military coups in the early 1970s). In a recent élite study, Benhaddou reports that

all of the big bosses of the CGEM used to be statesmen. Both Mohamad Amor and Bensalem Guessous were Minister of Work and Social Affairs, and Minister of Finance respectively. They were nominated ambassadors and later provincial governors. ... Driss Qeytouni, successor of the second, was director of the Finance Ministry's cabinet and then president of the economic commission in parliament. The fourth president, Mohamed Smirès Bennani, ...was director of the Ministry of Health's cabinet, and later director of general affairs within the Ministry of the Interior.³⁷⁰

This close co-existence between the organisation and the state's ministries guaranteed the CGEM's support of the state. As one former director explains, "the state has a mission, which is to supervise the great equilibria. We need to understand and share this. As the private banker that I am, I find the state's measures sometimes annoying. But as the state official that I used to be, I do accept these measures and find them necessary." Another adds: "in order to get out of the crisis, the state needs us, but needs to keep its role. We should encourage what it does well: that is to plan and to stay the decision-maker of last resort."³⁷¹

The political changes in Morocco that touch the régime's relation with social forces in civil society have been at the centre of the CGEM's development. Two events in 1994/96 marked the rebirth of the organisation. They illustrate the personal and the structural features that allow for independent social structures: Abderrahim Lahjouji's taking over of the presidency in 1994 marks a leadership

³⁷⁰ A. Benhaddou: *Maroc: Les élites du Royaume. Essai sur l'organisation du pouvoir au Maroc*, (Paris: l'Harmattan, 1997), p. 118 This list can be continued up till today. The present president Chami used to be Minister of Public Works in the early 1970s, and worked as the director for the Office Shérifian de l'Exportation. In the present situation, however, this background works as a disadvantage, as his difficulties in winning the 2000 election illustrates. See *Jeune Afrique*, 20 to 26 June 2000.

³⁷¹ Benhaddou, 1997, op.cit., p. 121.

with a new vision and is considered here the personal ingredient that accounts for structural development and differentiation. His conflict with the régime during the anti-corruption campaign in 1996, dubbed ‘campagne d’assainissement’,³⁷² accounts for the historical precedence that helps give a social group its own internal coherence and definition vis-à-vis the régime.

Paradoxically, it was the régime’s attempt at building an alliance with Morocco’s entrepreneurs, which - ‘from above’ - gave to the private sector a new role in the development of the country. As mentioned above, the state’s attempts at restructuring the economic sector had induced a sense of private sector responsibility, in replacement of that of the state.

As mentioned above, before the organisational changes in 1995, the CGEM was closely associated with the régime and its directors regarded as the ‘state’s men’. During Lahouji’s presidential campaign in 1994, the keyword was “restructuring” but interestingly, it was the Royal discourse of the 16 May 1995 that pulled the trigger for the internal reforms. Here, within the context of a planned social partnership that was later to be institutionalised within a tripartite formula (the state, the labour unions, and the employers’ federation all designed to solve problems such as unemployment and economic growth) the CGEM was criticised for being unrepresentative. It was asked to transform itself and to represent Morocco’s small and medium-sized companies.³⁷³ The CGEM responded to this external impetus by an organisational transformation. It increased the number of sector federations (24 at the end of 2001) and created commissions, in which all companies, regardless of sector, had a common interest (Finance, Commercial Law, ...). It increased its membership from 400 to 1800. At the same time, the organisation was centralised and its staff members became permanent full-timers. The president, for instance, could no longer run his company himself, but had to leave his business to someone else. As a result,

³⁷²Sanitation campaign

³⁷³Rank and file members of the CGEM had expressed their opposition to the policy of privatisation at the beginning of the 1990s. This was because of the state-centred position of the CGEM, with many companies having profited from the state’s protectionism. Changing the composition of the CGEM was to stop this resistance. See Benhaddou, 1997, op.cit. pp. 116-125.

the representation of corporate interests became professional, and to guarantee its independence, the CGEM financed itself solely from membership fees.

A New Culture of Economic Contestation

Within the context of Moroccan culture, Lahjouji represented a new type of employer that differed in education and outlook from that older generation governed by the classical distinction between ‘bourgeoisie’ and ‘landed aristocracy.’ Bourgeois then had the meaning *Fassi* and state-loyal.³⁷⁴ Generally perceived economic necessities imposed a reliable system of justice, real representation, and political stability. Morocco being in the process of opening its economy towards the exterior, US-education and MBAs had become the new educational requirements (which inspired Morocco’s new American-style élite university, The Al-Akhwain University at Ifrane, as well as a mushrooming of private schools offering US and British university-licensed MBA programmes). This contrasted with traditional Qurawain education in pre-colonial times,³⁷⁵ and studies of Law at the Sorbonne and Engineering at the *Ponts et Chaussée* in earlier post-colonial times of state and nation-building. As a result, the figure of Lahjouji was perceived as a model of new contestation and assertion that was urgently needed in Morocco, and directly connected to new modes of democracy. As one observer put it:

The real clash is that of the economic Makhzen and these defenders of the economic rule of law [i.e. Lahjouji]. It’s here where democracy is important. Pushed to its extreme, one could say that it is Basri against Lajhouji, and not El Yasghi or Boucetta. [former opposition leaders]... it is the bourgeoisie that needs the economic rule of law... This class has no choice. In order to exist and develop, it must finish with the Makhzenian system.³⁷⁶

³⁷⁴ The antagonism between rural notables and the bourgeoisie, originating from the city of Fes, runs through modern Moroccan history, see Rémy Leveau: *Le Fellah Marocain: Défenseur du Trône*, (Paris: FNSP), 1985.

³⁷⁵ the Qurawain University in Fes is Morocco’s oldest and most prestigious Islamic university.

³⁷⁶ Quoted in Myriam Catusse: ‘L’Entrée en Politique des Entrepreneurs au Maroc’, unpublished PhD thesis, Université de Droit, d’Economie, et de Sciences d’Aix-Marseille, Institut d’Études Politiques d’Aix-en-Provence, 1999, p. 313.

It was the anti-corruption campaign that resulted in a conflict between administrative and arbitrary power and its contenders. The former was embodied by the inter-ministerial commission consisting of the Interior Minister, Minister of Justice, the Minister of Commerce and the Minister of Finance: the latter by the CGEM and its president Lahjouji. Here Lahjouji's 1994 presidential election programme could show its significance: "The unchangeable choice for liberalism, which implies a definite, progressive disengagement of the state, needs a private sector that is structured, organised and strong." He wanted to build the organisation to "mobilise all human capacities in order to transform our organisation into a real laboratory of ideas, a source of innovation and a force of proposition."³⁷⁷ According to Nadja Salah, director of *L'Economiste* (and later founding member of the anti-corruption non-governmental organisation *Transparency Maroc*) his election programme was marked by clarity and directness "à l'américaine."³⁷⁸

The CGEM in the anti-corruption campaign

The anti-corruption drive started with a media campaign launched by the Ministry of Finance in August 1995. The ministry hired an advertising agency and the slogans published picked up the idea of an infected body that needed to be cleansed from a disease. From the idea that "trafficking harms our health," came the name that was given to the anti-corruption campaign *campagne d'assainissement* (Sanitation Campaign). According to Beatrice Hibou, the diminishing legal power of the state during the privatisation process had given more latitude to informal networks, relations and arrangements.³⁷⁹ The reaffirmation of the state's control over its borders was targeted against this process which included smuggling and drug-trafficking. At the same time, the reaffirmation of the state's dominance in political life was targeted against local

³⁷⁷ Myriam Catusse, 1999, op.cit. p. 150.

³⁷⁸ *L'Economiste* 23 June 1994.

³⁷⁹ B Hibou: 'Les enjeux de l'ouverture au Maroc. Disidence économique et contrôle politique', *Les Cahiers du CERI*, no. 15, (Paris: Centre d'Etudes et de Recherches Internationales, 1996).

corruption within the administration and the political parties.³⁸⁰ As mentioned above, the state's action was a response to a 1995 World Bank report that was directly presented to the King himself, and which heavily criticised trafficking and corruption. During the opening session of the parliament in 1995 the King announced that

I read these reports and find painful their eloquence and numbers. The comparisons that are made prevent every person with a bit of conscience from falling asleep.³⁸¹

The illegal economy was estimated to represent 40 percent of GNP, and informal networks were regarded as weakening the state, depriving it of 50 percent of its income from customs duties. It de-legitimised the state's control over its external borders. The various reports that were published, including the World Bank report, openly confirmed that corruption was at the heart of all political and economic life in Morocco. The campaign against it endorsed that this was not a marginal activity while confirming that most successful and well-known businessmen were involved. According to Hibou and Tozy,³⁸² the campaign suggested that corruption and illegality did not constitute a dysfunctioning, but that it was part and parcel of the political and economic system. This means that it was not possible to distinguish between the legal and the illegal, the allowed and the prohibited, the public and the private. Accordingly, the campaign was not perceived as a fight targeted against specific persons in the domain of illegality, against violators of the officially sanctioned system of rules, or against corrupters and the corrupted, but rather as a moment of extreme uncertainty for all, as an exercise of arbitrary power by the centre. An example of this was the decrease in economic activity and the near cessation of Casablanca's port activity in the first half of 1996.³⁸³

³⁸⁰ This was at a time, when the monarchy was undergoing an extensive negotiation process with the main opposition parties, see El-Mossadeq, op.cit. 1995.

³⁸¹ Royal Speech, 15 September 1995.

³⁸² Hibou and Tozy: 'Une lecture d'anthropologie politique de la corruption au Maroc', in *Tiers Monde* Vol. 41 No 161 2000 p. 38.

Hence, the exercise of central power against the economic sector needs to be understood not only within the framework of the state's economic and financial interests to fight against corruption and trafficking. It must be understood within the balance of forces between the state on the one hand and the economic sector on the other hand. The former, decreasing its economic role in the economy during the process of privatisation, is engaged in a process where the state might be considered as the weaker partner. The private sector, being about to differentiate itself from the state and the political sector, might consider itself in the position to impose its economic rationality and modern outlook onto the state. In this context, the authoritarian nature of the *sanitation campaign* must be understood as a reaffirmation of the central power's primacy, as an exercise of the state's arbitrary power to rule and intervene in everybody's personal fortune and activity. It thereby diminished the border between the private and the public through its use of the system of justice to exercise its power - as the wide combination of ministries involved in the operation demonstrated. The campaign was not concerned with real lawlessness on the ground, and any judicial ambition to resolve it: as quickly as it could start from one day to the other could it also stop six months later. Furthermore, it was virtually impossible to bring to trial the huge number of affairs that were made public. At the height of the campaign on 17 February 1996, it was the Minister of the Interior Driss Basri who announced and thereby threatened its main opponent, the CGEM and its president Lahjouji that he had 4500 files ready and could close all of these businesses down.³⁸⁴ He thereby responded to Lahjouji's televised opposition on 12 February 1996, where Lahjouji had accused him of damaging the economy, inviting him to come over to his factory to control his affairs. As one participant remembers,

There was this meeting in Casablanca with the Prime Minister, the Minister of the Interior and some other ministers that had gained so much publicity. They wanted to congratulate each other for the good performance of the campaign, and it was the occasion of Lahjouji's unexpected coming out. You know how these things work here: it's the Big Show, with television and all the rest. Obviously, everything was working according to plan. And then, sand got into the works...With Lahjouji, there

was a text in which everything was fine, but he departed from it many times. And then there were also his gestures. He got red in his face out of anger, and he pointed accusingly with his index finger at Driss Basri [the Interior Minister]. Twice, the support of the audience interrupted his speech. He said that he was neither an importer nor an exporter and that he was not personally concerned by the campaign, but that those who were staging it did harm to the economy of the country.³⁸⁵

The King's personal interference in the conflict between economic and political interests marked the process of appeasement and confirmed the business-sectors rights in the second half of the campaign. On the anniversary of his accession to the throne, Hassan II declared that "we will continue the sanitation campaign, but we will do it without excess, with legality and in respect of law."³⁸⁶

The problem, however, was that the state's reaffirmation of its control over the economic sector went beyond the sudden application of norms. It entailed the redefinition of the very norms of behaviour while excluding the economic participants from negotiations. This explains the feeling of fear among businessmen, which in turn fuelled the CGEM's resistance. It resulted in a suspicion that the economic system was being destabilised because of the arbitrary will of the central government to 're-adjust' the system. Hence, according to Hibou and Tozy, Justice did not fulfil its function to apply the law, but assumed the function to announce the decisions of the central power. By doing so, the courts were merely translating the fact that the central power considered that the economic actors had exaggerated in their interpretation of the terms of the contract between the state and the economy.³⁸⁷

To adjust the relationship between the economic and the political sector, the state had to demonstrate with clarity the reasons for its campaign. It did this by publishing estimates of tax evasion, as well as characterising the campaign as 'sanitary.' These aspects were not critically evaluated during the campaign.

³⁸⁵ Catusse 1999, op.cit. p. 278.

³⁸⁶ *Le Point*, 23 March 1996.

which claimed a moral purpose, its aim being to ‘cleanse’ an ‘infected’ body. However, the state had not hitherto been regarded as having the moral integrity, or even as being morally legitimated, to pursue the illegal activities of its citizens.

Even if the state is losing money, it has no interest to prevent contraband, because this is what allows many people to live. In popular areas, people live thanks to small trafficking; ... the same people that work in the state profit the most. They are the best placed in the system. Especially because the people do no longer know what is allowed and forbidden. One does no longer know what is legal. This is how they suffocate the citizen.³⁸⁸

This is why the political character of the campaign was regarded the most important aspect of it. “This is a campaign, a *harka*,³⁸⁹ of the system [pouvoir] to make people afraid.”³⁹⁰ By targeting internal corruption within the administration and within the political parties, the state tried to establish its moral authority to conduct a ‘popular’ anti-corruption campaign. The conflict however that developed between the entrepreneurs organised in the CGEM and the state put this ‘popular’ character in question.

In the face of resistance by the CGEM and the decline in Casablanca’s economic activity, the sanitation campaign ended in a ‘gentlemen’s agreement’ between the central power and the entrepreneurs. The terms of the agreement between them deserves special attention as it reflects the ambiguity of the private sector’s new role and the state’s capacity to define it. First of all, the CGEM’s role in the political process was recognised by the Moroccan state in that its president, and some of its leading members, were invited to discuss the matter with the King and the Minister of the Interior on 25 March 1996. First steps towards reconciliation between the central power and the CGEM were already spelled out during a Royal speech on the 3 March 1996. King Hassan described the milieu of economic enterprises as honest, and confirmed the necessity to

³⁸⁸ Quoted in Catusse 1999, op.cit. 274

³⁸⁹ The Moroccan term *harka* referred in precolonial times to the Sultan’s military campaign in the country side in order to establish his authority over more or less independent Berber tribes.

constitute the rule of law in the world of business. Here, the concept of the 'rule of law' seems to have been deliberately used to accept a fault on the part of the state machinery. Simultaneously however, it confirms the right of the state to enforce the law in the world of business, i.e. to take all necessary means to ensure the end of fiscal evasion and corruption and hence the success of the anti-corruption campaign. On 25 March, the King received the executive bureau of the GCEM and declared in a clearly corporative manner

Today, we receive you to make you part of our care and expectations. We are part of one and the same team and our common objective is to face the social and economic challenge to regain Morocco's dignity.³⁹¹

What was at stake during the discussions after the showing of resistance was the acceptance of the CGEM's presence in the system, the recognition that it had a role to play and needed to be consulted. This was conceded in exchange for the CGEM's acceptance of the supreme role of the monarchy and its governmental bodies. The terms of the agreement signed by the Interior Minister and the CGEM were the following: the central power promised the end of the campaign and the revision of judges' training to guarantee the independence of the courts. Moreover, the Interior Minister announced the introduction of commercial courts. This was exchanged for some technical measures to supervise and control the import / export business, and the promise of the CGEM to fight corruption in its own ranks.

Despite its essentially technical design, the political nature of the agreement should not be overlooked. The English descriptive title given to the agreement, 'Gentlemen's Agreement' signifies a compromise between two equal but distinctive partners, that of the private sector representing the modern outlook of Morocco and the supreme representative of the Makhzenian system, the Interior Minister. Moreover, it marks a new departure in Morocco's political and economic development. It uses English: the language of the United States, the preferred language of business and, in a Moroccan perspective, the language of modernity rather than old-style French. The new recognition of the partial

autonomy of the business sector was sanctioned in a tripartite formula, in which the King's words of 25 March were given a neo-corporate reality.³⁹² As a result economic development, fiscal policies, and the responsibility to create employment were no longer considered to be the government's sole responsibility or within its sole capacity. The ending of the campaign in this Gentlemen's agreement can be seen as providing decisive impetus to the increasing differentiation of economic interests and their increasingly autonomous political role in Morocco.

The sanitation campaign was a real action of the Makhzen to call to order, to attempt a slow down of this new class. And the central power has lost, because it looked for a 'gentlemen's agreement.' ... And this by the Minister of the Interior!³⁹³

Although it is clear that the CGEM had its 'coming-out' with its demonstration of dissidence, there are signs that the régime tried to build an alliance with this new class. The invitation of the CGEM to take part in negotiations with the Interior Minister can be read as an attempt at co-optation or alliance building.³⁹⁴ The institutionalisation of tripartite meetings (employers, trade unions and the state) and the CGEM's increasing receptions of diplomats and foreign commercial delegations also point to the idea of co-operation and alliance. As mentioned previously, this alliance was shaped by and through the process of privatisation but has at its origin the situation of tolerated economic dissidence. The disengaging of the state in terms of economic control that marked the process of economic liberalisation has given way to a corresponding increase in illegal activity. This was reinforced by a state that profited from a status quo in which most enterprises were involved in trafficking or tax-fraud. This sphere of illegality that was created can be regarded as reinforcing the control of the state over its subjects, and the anti-corruption campaign can be regarded as building the necessary base for a co-operation between the state and the private sector. It showed that the state had the ability to intervene whenever it

³⁹¹ Royal Speech, 25 March 1996.

³⁹² For the theory of Neo-corporatism, see Schmitter, G. and Lehmbruch, P. (eds.) (1982): Patterns of Corporatist Policy Making, (London: Sage, 1982).

³⁹³ Quoted in Catusse, 1999, op.cit p. 333.

felt the necessity to reduce the ambitions of this new rising class. This is especially the case because of its distinctiveness from both the old class of loyal notables and the Fassi bourgeoisie.

Despite some apparent similarities with traditional dissidence that had marked the Makhzen's relationship with its subject, noted by Hibou,³⁹⁵ the position taken by the Lahjouji and the CGEM should not be seen as an inevitable outcome of Morocco's political design. In fact, the personal involvement of someone largely unknown to the political establishment paved the way to a real conflict between the traditional power and its legitimate contenders. The contestation was legitimate in the sense that it resulted from the dominance of an economic rationality – and its organisational support – over the political intention of balancing a system that was regarded out of control. This personal involvement would result in Lahjouji being described as courageous and “tough and stubborn like Justice” by the media.³⁹⁶ The central power could certainly take advantage of the dissidence in that it could control how the dissidence would stop, guaranteeing the integration of the newcomers. At the same time, however, the process gave birth to the development of a corporal identity within the CGEM that defines itself – in the tradition of civil society – through its financial independence and independent political role. As the following opinion expresses, “the fact that we exist independent from the state is already a sign that things are different here. This is not Tunisia ... the government and the monarchy cannot do whatever they want. They are extremely limited and have to find the political solutions to real existing social realities.”³⁹⁷

³⁹⁴ Hibou and Tozy, op.cit. 2000, p. 42.

³⁹⁵ Béatrice Hibou: ‘Les enjeux de l’ouverture au Maroc. Disidence économique et contrôle politique’, Les Cahiers du CERI No. 15. (Paris: Centre d'Etudes et de Recherches Internationales, 1996). Béatrice Hibou: ‘Retreat ou redéploiement de l'Etat’, Critique Internationale 1, 1998.

³⁹⁶ *La Vie Economique* 9 January 1998, in French: “Raid comme la Justice”

³⁹⁷ Khalid Abaroudi, secretary-general of the CGEM, interview with the author, Casablanca 26 June 2001.

5.2.4.1 Summary: The transformation of a 'loyal' organisation

The case of the employer's federation illustrates that the drive towards more autonomy even included those organisations, which had formerly been considered 'loyal' and close to the monarchy. Clearly, many factors had been at work such as the discourse about private sector responsibility, but it is essential that in a conflict such as the anti-corruption campaign, an independent, critical intervention in the public sphere became the CGEM's strategy at challenging the state's hegemony, which threatened the business sector's interests. As a result, public sphere intervention has become a viable strategy for the CGEM. The case of CGEM, moreover, illustrates how the process of autonomisation worked in a conflict situation. Generally, this process can be considered part of the same process that women's rights, human rights and Berber's rights groups experienced in the 1980s, as I have explained in the previous chapter. This time, however, this process applied to a formerly 'state-loyal' group that used to enjoy a preferential status.

5.2.5 The Struggle for Critical Independence: The Press

The journals *Le Journal* and its Arabic counterpart *Assahifa*, founded by Aboubakr Jamaï in November 1997, were one of Morocco's first independent newsmagazines. As an *enfant d'alternance*, as journalists themselves described the project when interviewed,³⁹⁸ the two magazines used Western-style journalism to cover Morocco's political and social scene. *Le Journal* did not act as a mouthpiece for either the political parties or the monarchy. With *alternance* and the reformation of what the King now called the 'former opposition' Jamaï, well known to the world of journalism through his father Khalid Jamaï, founded this newspaper that, in Morocco's political landscape, was indeed a novelty. It was clear that, after the initial attempts to introduce new topics such as AIDS and prostitution had been successful, a demand for a critical, independent news magazine certainly existed. A businessman, Jamaï came from the financial sector

and not from journalism, so he foresaw this and started *Le Journal* that covered all the political and the critical issues of politics during *alternance*: corruption, human rights, the *Plan d'Action*, and sensational matters such as the Adib affair.³⁹⁹ This approach, however, made it even more necessary to respect the red line of publishable discussion: the monarchy, territorial integrity, and religion.

Well-staffed with 17 permanent journalists, *Le Journal* became one of the most popular newsmagazines in Morocco with a circulation of up to 40,000. Taken together with its Arabic counterpart *Assahifa* (50,000 issues)⁴⁰⁰ it quickly dominated the party-affiliated newspaper scene taking its place next to the monarchy's official newspaper *Le Matin du Sahara et du Maghreb* that was selling on average 100,000 newspapers.⁴⁰¹

The question of how far the free press is allowed to go has plagued both decision-makers and the party affiliated public ever since.⁴⁰² One typical criticism is the following, concerning another 'private' journal, *Demain*:

We need a positive press that accompanies the democratic transition. M. Mrabet transformed *Demain* in a diffamatory journal, which he uses to clear his personal problems with others.⁴⁰³

Censorship, to which both journals had been subject to, is regarded a legitimate means in order to "destroy plans of Morocco's enemies which aim at harming its vital interests," as one government press release put it. The same government press release denounced "profit-seeking [and] the run behind

³⁹⁹ See pp. 234-35 of this thesis

⁴⁰⁰ Jean-Pierre Tuquoi: 'Le Journal censuré au Maroc', in *Le Monde*, 20 April 2000.

⁴⁰¹ OMDH and Article 19: Liberté de la Presse et de l'information au Maroc. Limites et Perspectives (Rabat, 1995), p. 26.

⁴⁰² Amongst journalists, this question had already been extensively discussed in the first half of the 1990s. Some journalists had even argued for a legal exclusion of 'materialist' and 'immoral' press. See OMDH and Article 19, 1995, op.cit. p. 19.

sensational affairs of renowned personalities”⁴⁰⁴ of those in charge of *Le Journal*.

The problems of *Le Journal* did not only concern censorship, but more importantly, they did relate to the established newspapers. These hardly mentioned the seizures of individual numbers, and the *Syndicat National de la Presse Marocaine* did not support the new journal in its fight for greater freedom of press. Instead, as Turquoi mentions in *Le Monde*, they did not seem to be convinced at all that *Le Journal* represented a new *genre* that merited fraternal support. Those who mention the events surrounding *Le Journal*⁴⁰⁵ either took a neutral position, or were openly critical of the journals. An *Al Bayane* editorial of the PPS denounced the ‘sensationalism’ and demanded from journalists an “a responsible approach which puts the country’s interest on top of the list of priorities.”⁴⁰⁶ When 2M, Morocco’s second TV station, showed the front-page of one censored number, three of its directors were dismissed for ‘professional mistakes’.⁴⁰⁷

When *Le Journal*, *Assahifa* and *Demain* were banned in December 2000, the ban was actually supported by party-based newspapers. They orchestrated a campaign against the journal, stating that when *Le Journal* published a letter which implicated Prime Minister Youssoufi’s involvement in the 1971-72 military coup attempts, it had gone too far. Hence, there was no solidarity campaign from within the newspaper-establishment, and no internal pressure.⁴⁰⁸ The director and the journalists of *Le Journal* were never interviewed for their point of view, and the ban continued. *Le Journal* was forced to apply for an authorisation of a new journal that they called *Le Journal Hebdomadaire* (*Le Journal* weekly). A hunger-strike by the director Jamaï and international

⁴⁰⁴ Jean Pierre Turquoi: ‘Le Journal censuré au Maroc’ in *Le Monde*, 20 April 2001.

⁴⁰⁵ I will discuss these events in more detail in Chapter Six

⁴⁰⁶ *Al Bayane*, 17 April 2000.

⁴⁰⁷ *Le Monde*, 20 April 2000.

⁴⁰⁸ In fact, there was a demonstration in Casablanca, organised by the *Syndicat National de la Presse Marocaine*. However, it was considered purely symbolic, and it lacked sufficient mobilisation to be considered credible by *Le Journal* journalists. For an analysis see Mohamed Sassi: ‘Pour une lecture positive de la Lettre’, *Le Journal Hebdomadaire*, 17–23 February 2001.

pressure, notably a campaign launched by *Le Monde*, resulted in the authorisation of the new journal being given some 6 weeks later.

5.2.5.1 Summary: The Struggle for Critical Independence

Party-based interests and ideologies determine the editorial line of newspapers and the success of an independent newspaper such as *Le Journal* inevitably faces resistance from within the established newspaper scene. It pushed for increasing democratic change, sets new agendas, and tries to institutionalise a journalistic philosophy, which consists of checking the national political scene. However, what proved to be the main weakness of Morocco's media was that any notion of the legitimacy of an independent press had not been recognised. In fact, there exists from high-level diplomats down to young students a feeling that Morocco's 'private' press needed to learn 'how to behave.' The right of a newspaper to criticise decision-makers and the idea that it may act as a controlling instance are not accepted: They are regarded as not being democratically elected and only interested in increasing profits. Because of this absence and most journalists' affiliation to the traditional power blocs, party or monarchy based, a unity of a journalistic spirit does not exist either. The President of the *Syndicat National de la Presse Marocaine* (SNPM) is a leading member of the *Union Socialist des Forces Populaires*, and his wife is directly related to the Prime Minister. Hence, it is not surprising that when the SNPM met on 2/3 June 2001, it was hit hard by internal divisions. The president Younès Moujahid was criticised for his handling of internal affairs: for a lack of internal democracy and the limitation of the freedom of expression. Nevertheless, he got re-elected.⁴⁰⁹

In spite of this, the press illustrates that the general trend towards abandoning former alliances with political power blocs continues and establishes itself. It is a direct continuation of those experiences in the media that I have examined in Chapter Four, and it is part and parcel of the general process of autonomisation that I have identified in organisations of civil society in general.

5.3 Section Three: Social mobilisation in favour of Benabderrazik during the anti-corruption campaign

Having described individual parts of civil society, the following example illustrates how organisations of civil society and the state interact in the public sphere. It is not yet an example of the 'reaction of the state' (which I will examine in Chapter Six), but rather a 'reaction of civil society,' as it follows the state's arbitrary intervention when, during the anti-corruption campaign, a pharmacist was imprisoned. Many actors appear and they challenge each other on the grounds of public morality and reason, such as the anti-AIDS organisation ALCS (described in Chapter Four), the human rights organisation *Organisation Marocaine des Droits de l'Homme* (OMDH), various increasingly critical journals and newspapers, the Minister of Health and the courts.

The anti-corruption campaign, as analysed above, was not much of a repression in any classical sense. No threatening political group was crushed and all those condemned and imprisoned were liberated as soon as the campaign was over. It was more a reconfirmation of who was really in charge in the country. It can be seen as part of the transformation process that several authors have called *Le Maroc à la recherche d'un nouvel équilibre*.⁴¹⁰ As I seek to show here, the scandal about HIV contaminated blood imports, which accompanied the anti-corruption campaign, weakened the moral authority of the established political order. Although the state showed its strength through the use of courts for political purposes, as a side effect, it lost credibility because it challenged the scientific authority of Moroccan and international experts. The scandal, which developed out of this situation, is another token of a developing public sphere, which evolved in reaction to the state's attempts at the monopolisation of moral authority.

⁴⁰⁹ Jamal Chibli: 'Les Journalistes exorcisent leur démons' in *Maroc Hebdo International*, no. 422, 9-15 June 2000.

⁴¹⁰ Callies de Salies Bruno: 'Le Maroc à la recherche d'un nouvel équilibre' in *Revue de Défense Nationale*, February 1994. Also Rémy Leveau: 'Morocco at the Crossroads' in *Mediterranean Politics*, Vol. 2, No. 2 Autumn 1997.

The scandal started with blood that the pharmacist Moncef Benabderrazik had imported from a Spanish laboratory in 1995. Routinely, as a consequence of the anti-corruption campaign, his imports had been seized and checked. Some of his blood imports contained an antibody that the Ministry of Health regarded as evidence for the blood's contamination with HIV. On 2 January 1996, Benabderrazik was charged with violating import-regulations and with the possession of contaminated pharmaceutical products. Two personalities of civil society then came forward to oppose the Ministry of Health and to defend Benabderrazik: Professor Himmich, head of the department of infectious diseases at the University-Hospital of Casablanca and her colleague Dr Benchemsi, director of the *Centre National de Transfusion Sanguine*. Himmich, was at the same time president of the *Association Marocaine de Lutte contre le Sida* (ALCS) and, therefore, well known to the public. Himmich and Benchemsi, supported by French, Spanish, and another Moroccan laboratory, publicly protested against the decision of the Minister of Health. They were emphatic: the imported products were perfectly safe:

There is no scandal about contaminated blood in Morocco, there has never been one. These gammaglobulins anti-D (the incriminated products) did contain only antibodies, which protect the patient. It is exactly the opposite of a virus...there is no risk of contamination.⁴¹¹

The Minister of Health M Alami, however, refused to take into account the results of other laboratories, and criticised the intervention of Himmich and Benchemsi. The public, who had been critical of ministerial action since the start of the anti-corruption campaign, asked itself “who wants to get rid of Benabderrazik?”⁴¹² The ministry showed strength and Benabderrazik was condemned in the first and second instance on 5 February and 11 April to 15 years imprisonment. Because of the expert's repetition that there had never been any risk of contamination, the condemnation was viewed as indicating that the system of justice was subordinated to the imperatives of the anti-corruption

⁴¹¹ *L'Opinion*, 7 February 1996.

⁴¹² “laisser tomber Benabderrazik”

campaign and the views of the Minister of Health.⁴¹³ The counter-charge of Himmich and Benchemsi against the Minister of Health for defamation (Alami had called their behaviour ‘uncivic’ and ‘irresponsible’), was dealt with separately by the courts and was ultimately put off.

On the other hand, however, the public statements illustrate the substantial weakness of the minister’s position. He stated that “as minimal the risk might be, as Minister of Health I cannot take it. As Minister of Health I ban the use of these products in order to protect my co-citizens.”⁴¹⁴ This was combined with nationalist anti-Spanish propaganda (common in Morocco), which was epitomised by *Maroc Hebdo International’s* headline “Spain palms us off with its AIDS.”⁴¹⁵ His scientific knowledge, however, was sadly limited because he opposed the two leading Moroccan experts in the field. Those two claimed authority from their appointments to posts that required, in contrast to politics, highest scientific accuracy – and they were supported by three other scientific institutions. The use of public space was getting a battle between contesters of administrative power and the central power itself. As Vairel remarks,

However, because this is a public context...it is also a situation in which ‘people cannot just affirm or criticise something, they also have to justify their affirmations and their criticism.’ This is what the Minister Alami could not do in a convincing way and this is why his intervention against the two professors appeared inept, out of place, and therefore unacceptable for many protagonists.⁴¹⁶

As a result, many newspapers openly criticised the Minister’s point of view, and established a new kind of journalism that had still been underdeveloped in Morocco, that of investigations and revelations. *La Vie Economique* published a

⁴¹³ See also Khalid Jamaï in Nadia Benabderrazik: *L’Affaire Benabderrazik* (Casablanca: Tarik Editions, 2002).

⁴¹⁴ *La Vie Economique*, 9 February 1996, quoted in Frédéric Vairel: ‘Une histoire sans morale? Remarques à propos du cas Benabderrazik’ in *Maghreb-Machrek* No 167, January - March 2000, p. 52.

⁴¹⁵ 7 June 1996. In French: “L’Espagne Nous Refile Son Sida” Traditionally close to the Interior Ministry, *Maroc Hebdo International* later changed its position.

⁴¹⁶ Frédéric Vairel: ‘Une histoire sans morale? Remarques à propos du cas Benabderrazik’ in *Monde Arabe: Maghreb-Machrek*, No 167, January - March 2000, p. 55.

series of investigations during the scandal⁴¹⁷ and even newspapers that were regarded close to the Interior Ministry such as *Maroc Hebdo International* presented Benabderazzik as an innocent victim of political manipulations. “If justice without force is powerless, force without justice is tyrannic.”⁴¹⁸ Interestingly, the mobilisation of forces against the Minister of Health appealed to universal principles of moral and professional apolitism. Politics reached another level, and also the *Organisation Marocaine des Droits de l’Homme* supported the two medical doctors in an petition.⁴¹⁹

What was now at stake was not anymore the question of blood contamination, nor was it a simple question of new forces and the contestation of administrative power. Rather, it was a more serious debate about the system of justice and the role of the administration within it. The law court that condemned Benabderrazik had obviously been influenced by the anti-corruption campaign, that used the law courts as the executive organs of the ministries involved (Interior, Commerce, Justice).⁴²⁰ When Himmich and Benchemsi sued the Minister of Health for defamation, the courts became the centre-point of the challenge posed by these new actors to the established holders of power. Even though the courts did not condemn the minister, and re-confirmed his position (there was no real trial - the courts finished quickly with the charge on 18 June 1996) the judges found themselves forced to publish a statement in the official organ *Le Matin du Sahara et du Maghreb* in which they exposed their *malaise*, and indirectly admitted to their subjection to political pressure in the exercise of judicial functions. Paradoxically, although they criticised the lawyer of Himmich and Benchemsi for complaining about the lack of the court’s independence, they demanded a more sincere application of the rule of law themselves.⁴²¹

⁴¹⁷ Ahmed Benchemsi’s articles on 19 April, 26 April, 24 May, 21 June 1996.

⁴¹⁸ *Maroc Hebdo International*, 19-25 January 1996.

⁴¹⁹ *La Vie Economique*, 5 April 1996.

⁴²⁰ See M. Laurent and G. Denoeux: ‘Campagne d’Assainissement au Maroc’ in *Monde Arabe: Maghreb-Machrek*, No. 154, 1996, also Guillaïn Denoeux: ‘Understanding Morocco’s ‘Sanitisation Campaign’ (December 1995 to May 1996)’ in *The Journal of North African Studies*, Vol. 3, No. 1, Spring 1998.

5.3.1 Summary Section Three

The social mobilisation illustrates how different kinds of rationality, emanating on the one hand from civil society (in this case: scientific rationality) and on the other from the state (here: political rationality of anti-corruption campaign), competed in certain historical circumstances for public resonance. It further illustrates that this is a high-degree conflict, of which the outcome is unclear and might even be considered risky for those protagonists that take sides against the state. Ultimately, it is the developing public sphere that scrutinises these conflicts, and takes an interest in them, even if it is not yet possible to regard this as being an enforcing power. However, it shows, very much like the sudden end of the anti-corruption campaign as explained in the previous section, that there are domestic forces at work, which attempt to force their rationality onto the state, despite the limitations that may appear.

5.4 Chapter Five Summary

In this chapter, I illustrated that the various sectors of civil society reacted positively to the successful challenge to the state's hegemony in the 1980s. As I illustrated in Section One of this chapter, this happened in a time of political and economic change that had the effect of increasing individual's interest in public issues.

Depending on the particular logic of the public sphere that they were able to occupy - general political issues, corruption, economic development matters, religious matters, human rights, business matters, and freedom of press - they deployed strategies that responded to their particular field of action. A common denominator is that they were able to broaden their base and intervene more effectively in the public sphere, and that they were granted more freedom to do so. The anti-corruption campaign and the case of Benabderrazik in particular have shown that the engine for 'change' towards more tolerable public criticism has been conflict, pursued in the public sphere. The diminishing 'moral' integrity

⁴²¹ *Le Matin du Sahara et du Magheb*, 18 July 1996, *Maroc Hebdo International* 27 July 1996.

of the state, be it in local development issues, human rights, corruption, or religious affairs, seems to be the most important factor that has, internal to the public sphere, pushed the actors to pursue their demands and interests. Through the state's pursuit of controversial policies, such as the anti-corruption campaign, this lack of moral integrity became even more obvious, and resulted in civil society organisations taking up demands such as the fight against corruption (Transparency Maroc). The mobilisation of actors of civil society, as much as it was a result of earlier mobilisation and success, had also been the result of the state's increasing lack of moral integrity. It therefore expresses a certain resistance against administrative interference.

CHAPTER SIX: THE STATE'S DISCURSIVE AND STRATEGIC REACTIONS

The main objective of this chapter is to examine the response of the state, at both discursive and strategic levels, to the increasing activity of part of civil society as identified in Chapter Five. It would be too simple merely to assert that the state started to 'give in' to independent associations' demands, an idea that would follow a line of analysis which views civil society and the state in opposition terms. In fact, in the first section, I will show that the state's discursive reaction depended very much on the representation of civil society's articulation of interest, which was, at times, conflicting and which was expressed in particular relationships with the state. These corresponded neither to a dichotomous nor to an intermediary representation of state-civil society relationships. In order to analyse the representation of civil society's interest, I am using a newspaper analysis of the Moroccan national press of three important national themes: human rights, women's rights, and Berber rights. I aim to show that through the participation of organisations of civil society in the public sphere, and through conflicts that were expressed here, the state responded discursively and practically in ways to mark and further develop its 'embodiment' of Morocco's national consensus. These took different features that I will discuss in the first section, an important one being its increasing involvement in the definition of discourses.

The second section will illustrate the more 'visible' or 'strategic' reactions of the state, those of boundary setting, co-optation, and integration. As a working definition, the state's *boundary setting* means the state's definition of a discourse's boundaries through the state's monopoly over the use of legitimate violence. It is a key-feature of the state's intervention in the public sphere to set the limits of tolerable critique, in order to sanction individual's behaviour in a context where certain key-groups' position in the system are perceived as being threatened. *Co-optation* is the state's appointment of key personalities that are well-known to the political opposition or in the public sphere thanks to their activities in civil society organisations or political parties. It aims at appeasing

social groups or organisations that have been expressing criticism of the state, without necessarily changing the policy that had been previously pursued. It aims at creating the appearance of political movement where stagnation dominates. However, the outcome of co-optation is not predefined, and it depends on the margin of manoeuvre that is granted to these individuals. *Integration* is the creation of new institutions outside the immediate reach of state ministries, in which social organisations, rather than personalities, are invited to participate in the formulation of policies. It provides for alternative forums of an enlarged public sphere, in which the exchange of state's acknowledgement of criticism and suggestions (which grants groups and critics a certain legitimacy) are exchanged for the social groups' acceptance of the status quo.

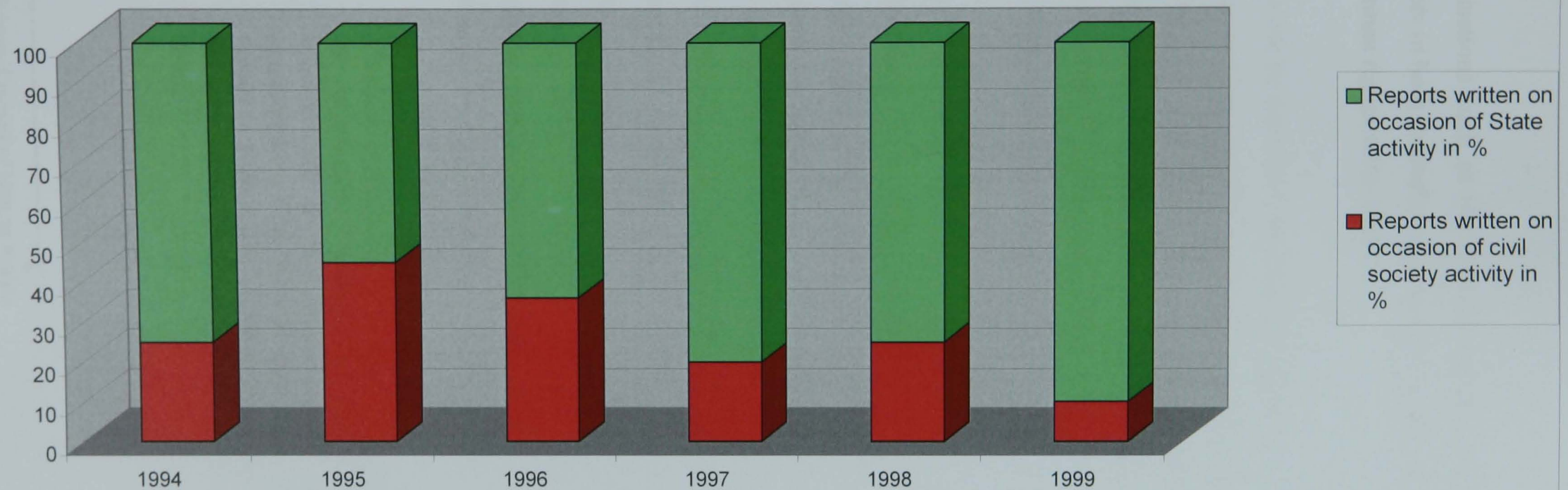
6.1 Section One: The state's discursive responses to political, social, and cultural rights advanced by civil society

6.1.1 The state's responses to the human rights discourse

Even though it seems exaggerated to speak of a control of the human rights discourse, a certain domination of the discourse by the state has become visible. In the following paragraphs, I will examine this empirically through an analysis of newspaper articles in the francophone national press.

A certain domination of the human rights discourses started in the early 1990s with the creation of both the Advisory Council for Human Rights and the Ministry of Human Rights. Having built the institutions that could address questions of human rights, the state could start to build its prominent position in the protection of human rights long before Mohamed VI's accession to the throne. In the following analysis of reports on human rights in the francophone press, this prominent role of the state and its institutions (Monarchy, Ministry of Human Rights, Advisory Council of Human Rights) becomes evident. At the same time, human rights

Figure 1: State and Civil Society Participation in the Human Rights Discourse 1994-1999



‘Civil society activity’ is defined as covering the work of human rights groups, publication of human rights groups’ statements, but also articles that have as their topic human rights without being written on occasion of state-activity or civil society-activity (for instance human rights in Palestine, women and human rights, etc.). In order to illustrate the state’s domination, this approach seems justified. ‘State-activity’ is usually the organisation of a conference, the publication of a minister’s speech covering human rights, the King’s reception of a delegation of Advisory Council members, etc. This analysis is based on 115 articles that were published in *Le Matin du Sahara et du Maghreb*, *La Vie Economique*, *Maroc Hebdo International*, *L’Opinion*, *Libération*, *Al Bayane* from 1994-1999.

organisations such as the OMDH and the AMDH gained the role of junior partners in both the national discourse on abuses in the past and the protection of the human rights in the future.

As can be seen from the Figure 1, the state's participation varied between 75 percent in 1994 and 90 percent in 1999. Examples of state activities were the Minister of Human Rights organising a *Journée d'études et de réflexion sur "les médias et les droits de l'homme"* (1994), the Advisory Council for Human Rights (CCDH)⁴²² submitting lists of prisoners to the King (1994, *L'Opinion*), or the King receiving CCDH members (*Le Matin du Sahara*).

In its early stage, the formulation of the discourse outside the initiative of the state took place in *L'Opinion*, the newspaper of the nationalist Istiqlal. A series of human rights articles (1996) were written by an academic, Ahmed Belhadj Sendague, interested in human rights issues. He used the form of a scientific essay and gave his recommendations. In 1995 a political crisis had crippled the political élite due the failed attempt of *alternance*. This can be regarded as causing an increased NGO-initiated discourse in the area of human rights. The government's plan to build a documentation centre for human rights was subject to a critique, as the government's intentions were viewed as a potential threat of propaganda. Sendague's article *Pour une véritable promotion des Droits de l'Homme au Maroc avec et pour tous* reflects this:

This centre must not be another 'official window' that defends the government's position and in order to show its positive achievements in this domain, which are, by the way, very controversial. One should rather give the centre the necessary means to realise its ambitions consistent with the protection and the education of human rights at a national, local, and regional level.⁴²³

⁴²² Advisory Council of Human Rights

⁴²³ *L'Opinion*, 22 January 1995.

In 1997 the participation of organisations outside the state diminished to 20 percent in the francophone press. An article reporting from the annual OMDH meeting combined the positive Royal amnesty of 1994 with the OMDH's critique that public liberties had diminished since 1995. (*La Vie Economique*, 4 April 1997)

Basically, nothing new either. And even one confirmation: we are getting further and further away from the reform process initiated by the Royal amnesty. The annual report of the OMDH is depressing. Again, more than in 1995, the year 1996 has seen '*a real regression in the domain of respecting the physical integrity of persons and in the field of public liberties*'⁴²⁴

The year 1998 is celebrated in Morocco as the time when the political climate turned to favour political and civil liberties. It was then that the government acknowledged for the first time the existence of 'forced disappearances.' It pledged to tackle the issue, thereby clearing Morocco's past, and to install a scheme of compensation, of which the CCDH was to be in charge. But here also, the percentage of NGOs taking part or taking some initiative in the public debate did not exceed 25 percent, and one year later, in 1999, this percentage had shrunk to less than 10 percent. This is despite the fact that the role of NGOs in the development of a 'human rights culture' was seen as crucial by all government officials, conferences, and journalists writing on this subject

6.1.1.1 The Domination of a Discourse

This analysis shows clearly that the state has taken a leading role in the discourse about human rights, from where resulted the state's capacity to define the discourse's terms and direction. The state gained the power to exclude aspects that did not seem relevant to the *modus vivendi* desired by the state, such as its own responsibility for human rights violations. One aspect that deserves special attention is the expressed concern about 'educating', or 'teaching' the people a 'human rights culture,' something all human rights organisations are happy to participate in, although with a different objective in mind. Teaching

⁴²⁴ *La Vie Economique*, 4 April 1997, original italics.

and participating in a culture of human rights confers these associations an objective and a role in the political field. It acknowledges the existence and the importance of the group concerned, and confirms its position in politics. Since 1994, with a conference about the role of the media and human rights, the question that appeared regularly had been that of teaching a 'human rights culture' in schools, in university seminars, and especially at law faculties. Although this could be considered a practical and politically neutral step towards the future protection of human rights, it implied that the responsibility for human rights abuses lay within the society concerned, not within the government. It individualised responsibility and ignored the issue of widespread high-level corruption and the concentration of power within the Ministry of Interior. This is even more surprising given that the most striking feature of human rights abuses in Morocco has been its systematic application against journalists and political activists, and more recently against public demonstrations.⁴²⁵

Another feature has been to include social and economic rights, the main historic distinctions between the former Western and the Eastern bloc and their views of what human rights actually meant (civil and political rights in contrast to social, economic rights, as evidenced by ICCPR and ICESCR⁴²⁶). In Morocco, as in other countries with negative human rights records, the state-controlled human rights discourse has always had a social and economic component, and, as in any Arab state, human rights were first of all equalled with Palestinian human rights. In the beginning of the "explosion" of the discourse on human rights (in 1994) however, journalists used Palestinian human rights and economic rights as a cover to *move on to* political and civil rights. What became evident recently, however, was that officials in charge of human rights used the subject to *move away from* considerations of political and civil rights. Questions of political and civil rights are considered cleared in Morocco. Now it was time to focus on other issues. This is illustrated in the following statement by Abdelaziz Taleb, in charge of co-operation with NGOs in the Advisory Council

⁴²⁵ However, this tactic should be regarded as a central feature of policies concerned with face-saving. It makes possible the discussion without engaging in direct personal criticism. Attempts at opening up the debate, as I will discuss later, are consequently repressed.

⁴²⁶ International Covenant for Civil and Political Rights; International Covenant for Social and Economic Rights.

for Human Rights (CCDH). Here he combines aspects of ‘educating a human rights culture’ with aspects of social and economic development.

However at the moment we all believe that we should include and elaborate our mandate to include economic, social and cultural rights, not only political and civil. In fact, these problems of human rights affect far more people in Morocco than the political and civil rights, and as these problems are solved now, we should focus our attention on other issues. We have to include problems of poverty, education, labour law, such as the right to education. Moreover, we have to create a human rights culture. If we have this, people behave accordingly, and we don’t need human rights organisations. With illiteracy being high, people can be manipulated by people saying ‘hey, I can do this much better.’ This [the CCDH] is an institution, accountable, nationally and internationally. If we have a culture of human rights, we don’t need NGOs to speak for them. Then the people can speak for themselves.⁴²⁷

6.1.1.2 The Discourse about Reforming the CCDH

In proposing a reform of the CCDH, the OMDH suggested a reform of the *dahir* of May 1990, by which the CCDH had been created. The OMDH demanded to take into account the Paris principles for National Institutions, which the CCDH pretended to be.

The OMDH has many times asked for a reform of the constituting Dahir of the Conseil Consultatif, conforming to the principles adopted by the conference of national institutions held in October 1991 in Paris. These principles were sanctioned by a UN General Assembly resolution in December 1993. The processing of these principles concerning the independence of the institution, its members’ competencies and its capacity to initiate important human rights questions, necessitates a reform of the Dahir of Mai 1990. After deliberation of its national council, the OMDH has addressed to his Majesty the King Mohamed VI a demand in this sense.⁴²⁸

The Paris principles for National Institutions for the Protection of Human Rights concern the activities of National Institutions and for their proper

⁴²⁷ Abdelazziz Taleb, interview with the author, Rabat, 23 January 2001.

working, their complete independence vis-à-vis the executive, legislative and judiciary organs of the state.⁴²⁹ Because of the apparent lack of independence, especially due to the right to vote of Ministers in the CCDH, that body gained acceptance as a National Institution only with certain reservations:

but we could convince the UN that we are so active that we well deserve to be part of it, and so we hosted the Fifth International Meeting of National Institutions and have also chaired the International Co-ordinating Committee on Human Rights in the United Nations. We have established working groups of international human rights standards into national legislation.⁴³⁰

The pressure of the *Organisation Marocaine des Droits de l'Homme* to change the constitution of the CCDH to include the Paris principles, i.e. the abolition of the right to vote of government ministers, has created its own dynamic within this governmental body, in that members want to work according to and be recognised by international standards. The following statement by one employee of the CCDH illustrates the dynamic that has been created by the King's intention to seek international recognition.

We come back to the intentional aspect of this issue: The council wants to be considered a National Institutions in accordance with UN standards. And as Morocco has accepted to work within the accepted Human Rights principles, Morocco must have a National Institution that is in accordance with UN principles, that is the Paris principles. We want to work with international legitimacy whether the government likes it or not. It is about whether we play according to international rules or not. It is about Morocco's commitment to international standards.⁴³¹

⁴²⁸ OMDH: 'Rapport sur la Situation des Droits de l'Homme au Maroc 1999'. (Rabat, unpublished document, 2000). p. 8.

⁴²⁹ "If [the representatives of the administration] are included, their mandate during the deliberations should only be advisory.... National Institutions should have an infrastructure that is adapted to the good functioning of its activities, which means in particular enough financial autonomy. Its funds should have as their objective to have enough personnel and buildings at its disposal, in order to guarantee its independence vis-à-vis the state and in order not be subject to any kind of financial control that might inhibit its independence." Royaume du Maroc, Conseil Consultatif des Droits de l'Homme: Les Institutions Nationales pour la Promotion et la Protection des Droits de l'Homme. Principes & Coopérations. (Rabat, 2000), pp. 44-45.

⁴³⁰ Abdelazziz Taleb, Interview, Rabat, 23 January 2001.

⁴³¹ Ibid.

The results of both the internal dynamic within the CCDH and the pressure of the OMDH to change the constitution of the CCDH according to the Paris principles have resulted in the announcement of coming changes by the King's speech of 9 December 2000, and the realisation of these changes in the summer of 2001. Ministers ceased to have the right to vote (article 6). The council is supposed to submit a report even on questions where it has not been demanded by the King himself (article 2).⁴³² Moroccan officials see in the reform another sign of the state's will to live up to its human rights commitment, and it may be considered as another sign for the Moroccan state's capability to focus on those aspects of the human rights discourse that seem less challenging. On the other hand, it illustrates the dynamic of a discourse that is capable of imposing its own rationality.⁴³³

6.1.1.3 Summary

The question of human rights has gained a prominence in Moroccan politics that seems surprising considering that many civil and political rights such as the right of assembly in public places, the liberty of speech, the right to elect a government, the right to obtain a fair trial are still restricted. The question of human rights has gained a force that could potentially change the entire political set-up in Morocco, as it poses questions on such delicate matters as corruption, the independence of the judiciary, the legitimacy of police-intervention in peaceful meetings, the freedom of speech etc. Continuing day-to-day violations of such rights augment this force. The monarchy decided to co-operate with such civil society groups as the *Organisation Marocaine de Droits de l'Homme*, in order to resolve the most urgent human rights issues such as those related to political prisoners and forced disappearances. This was combined with a formula of power-sharing with the former opposition parties. All of this coincided with the repression of other civil society groups such as the *Association Marocaine de Droits de l'Homme* and the Unemployed Graduates Association, which had been attempting to dominate the 'street scene' At the same time, the state started to

⁴³² *Dahir* of 10 April 2001, 'portant réorganisation du Conseil Consultatif des Droits de l'Homme,' published in *Le Matin du Sahara et du Maghreb*, 15 April 2001.

⁴³³ Interview, Abdelazziz Taleb, Rabat, 3 February 2001.

dominate the public discourse, which enabled it to define the limits and the direction of the discussion. As I have illustrated in this subsection, this had the effect of focusing on social, cultural, and economic rights, and also to focus on issues such as education. This has effectively diverted public attention from questions of impunity, the lack of independence of the judiciary, and the almost unlimited power of the government, not the courts, to restrict the right to public assembly or to suspend the publication of newspapers.

At the same time, the government's expressed concern for the question gives evidence to the effect of the discourse that NGO's were able to initiate. This is in line with similar confrontations between the unemployed graduates' association and the anti-corruption association *Transparency Maroc*. In the case of human rights, the adoption of the discourse should be considered as a result of the OMDH's diplomatic approach and the personalities which undertook the contacts; also helpful were its connection with the political party USFP and other NGOs notably *Alternatives*. Its decision to participate in the CCDH and to accept the supremacy of the monarch in order to work for institutional changes and the defence of human rights resulted from its different, 'non-popular', i.e. non-threatening position in society. Thus it gave up a position of opposition, which had previously been connected with the defence of human rights.

This subsection's main purpose has been to illustrate the state's discursive reaction. It illustrated that the state's dominant engagement in the issue results from the consensus that exists in the public sphere concerning 'resolving' the issue. Although the modalities have been contested (as illustrated in Chapter Five), the issue itself is not contested by any segment of Moroccan society. This is why the state was able to assume an uncontested leadership in the discourse, as was revealed by the newspaper analysis.

6.1.2 The state's discursive response to the women's rights discourse and the 'Plan d'Action pour l'Intégration de la Femme au Développement' (1999-2000)

If the protection of human rights became an 'official' project during the last five years under Hassan II's rule, it is because of its consensual character amongst all strata of Moroccan society. In fact, it was only within the state institutions themselves that resistance against the project was to be found. The theme of women's rights could have been regarded in a similar fashion and could have been used as a mobilising force to rally Moroccans behind a development project initiated by the state. However, resistance of parts of civil society, 'ulema and Islamists in particular, made it potentially unsuitable for the Moroccan state's attempt to endow women's rights with an uncontested leading role. In fact, the *Plan pour l'Intégration de la Femme au Développement* (PIFD) presents a unique case-study of civil society as Hegel had perceived it some 180 years ago. Civil society, a sphere between the family and the state, is defined by Hegel as ethical life "in its division and appearance".⁴³⁴ If ethical life means "the norms of a society's public life"⁴³⁵ then, as I hope to show in the following subsection, ethical life is indeed divided in Moroccan civil society, due to among others rapid and unequal socio-economic development, accompanied with two competing paradigms of modernity. In this situation, the strategic position of the state changes and is indeed the institution that both currents are fighting over, in the Gramscian sense.

6.1.2.1 The beginning of the PIFD

In 1995, the PIFD was initiated by a series of *ateliers* that were organised jointly by the World Bank and the Moroccan government. The then official of the Ministry of Development and Co-operation, Rabia Nasiri. (who has become recently the first female advisor of the King) started the project in the aftermath of the World Congress on Women in Beijing. The objective was to define the

⁴³⁴ Hegel: *Philosophy of Right*, Paragraph 36. Translated by T.M.Knox, (London: Oxford University Press 1952) p. 36. Division is often not regarded an accurate translation of the German term *Entzweiung*, which should rather be translated as *bifurcation*. However, I do not see a significant difference in the use of both terms.

role of women in development, and to make recommendations for the betterment of women's social and economic situation especially in rural areas. In Morocco, unequal development had caused increasing inequalities between men and women. In rural areas, more than 90 percent of women are illiterate compared with 60 percent of the male population. On the national level, this level is 67 percent female illiteracy versus 41 percent male illiteracy. The rate of women dying whilst giving birth is 332 per 100,000 births, compared to 174 in Egypt, and 74 in Syria.⁴³⁶ At the same time, it is recognised that "women strongly participate in all productive sectors of the country"⁴³⁷ or as one militant put it "in reality, men don't work in the Moroccan countryside."⁴³⁸ As a world bank document describes its objective,

The present economic and sector study has as its objective to prepare a strategy which will contribute to reinforce the participation of women in development. It targets the constraints that momentarily influence the productivity, income, and the social well being of women and it determines the methods and the programmes that could eliminate these constraints.⁴³⁹

In these World Bank / Moroccan government *ateliers*, government officials, academics, NGOs, and representatives of international institutions were asked to exchange their ideas in order to establish a plan for the development of women. The structure of these *ateliers* was based on a preliminary report, which attempted to be participative (*étude participative*). This meant that it had been developed in collaboration with the opinions of target groups and grassroots organisation. The results of this report were discussed in small working-groups, which later presented and discussed their findings in the plenum.⁴⁴⁰ Special

⁴³⁵ Charles Taylor: *Hegel* (Cambridge: Cambridge University Press, 1975), p. 382.

⁴³⁶ Royaume du Maroc, Working Paper: 'Plan d'Intégration de la Femme au Développement' (Rabat, no publisher 1999), p. 72.

⁴³⁷ Ibid. p. 1.

⁴³⁸ Fatima Alaoui, president of *Le comité des Femmes Marocaines pour le Développement*. Interview with the author, Rabat, 16 January 2001.

⁴³⁹ Banque Mondiale, Royaume du Maroc: 'Etude Economique et sectorielle. Renforcement de la Participation des Femmes au Développement'. Report Number 14153, unpublished document, 3 May 1995, p. 1.

⁴⁴⁰ Banque Mondiale, Royaume due Maroc: 'Unpublished letter in preparation of the *Cinquième Atelier National*,' Rabat 24-25 May 1995.

attention should be given to *ateliers de réflexion* that started to work later on in February 1998, in which a selected group of civil society organisations participated.⁴⁴¹ Here these associations worked on a working paper, in which the demands of women's rights organisations were listed. The five sessions that were organised by the Secretary of State charged with Women, Family and Social Affairs resulted in the listing of women's rights groups' demands. These included the sensitive issue of changing of the *Moudawana*, Morocco's family code (*code statut personnel*). Out of 'modern-rational' considerations, changing the *moudawana* resulted from the aforementioned intention to analyse the "constraints that momentarily influence the productivity, income, and the social well being of women".⁴⁴² As Rajah El Habti from the ADFM remarks,

fighting against illiteracy and poverty of women needed and still needs to be the prime objective of development in Morocco. Legally, if a girl of the age of 15 or even younger (13 with the consent of a judge, 'tutor,' 'cadi') gets married, how can she have a right to education, contribute to national development and escape poverty? If she gives birth to a child at the age of fourteen, she is even at risk to die for simple medical reasons.⁴⁴³

Hence, the PIFD's comprehensive programme targeted the needs of women in order to improve their practical situations in education and health. This focused on areas such as literacy, managing a household (searching for water and wood and carrying it in absence of running water and electricity), sex education, and increasing medical care in villages. Furthermore, the PIFD suggested a reform of the *Moudawana* to secure the institutional and legal preconditions for women to take an active role in economic development. Reflecting on the position of women in Morocco, the historic and cultural factors that have inhibited their development, and the changes that have been taking place since independence, the authors of the *Plan d'Action* take a rational and widely political stance.

⁴⁴¹ Association Démocratique des Femmes du Maroc (ADFM), *Union Action Féminine* (UAF).

⁴⁴² Banque Mondiale, Royaume du Maroc: 'Etude Economique et sectorielle. Renforcement de la Participation des Femmes au Développement.' Report Number 14153, unpublished document, 3 May 1995, p. 1.

If it is recognised that women's conditions have evolved a lot since independence, the ambiguity that rests with her statute has remained the same. The cultural perception of this statute is plural, and oscillates between the attachment to an Arabo-Islamic representation, which idealises the feminine condition and the demand of a secular, occidental representation, which imposes new conditions of life. The conciliation is a source of conflict for women. This conciliation is subject to an important debate between partisans of modernity / universalism and partisans of tradition / and Moroccan specifics. This great debate mobilises, since more than 20 years, the women's movement, which negotiates this duality, on the basis of a new role of women in society, and on the basis of a re-reading of the legal Islamic tradition, taking recourse to Ijtihad and to the Maqasids. They transport the debate to the public place in Morocco, and also to the international sphere... *This cultural duality is fixed by law, which in its private space, preserves the spiritual status and morals of the muslim FAMILY, and in its public space tends to consolidate the material basis of a MODERN STATE.* ⁴⁴⁴

What is striking is that whilst analysing the development of the distinction private/public in Arabo-Islamic culture, the authors are themselves part of this struggle, and try to overcome it in favour of the modernity/universality axis. Hence, the recommendations to change the *Moudawana* focus on universal human rights and universal principles that inhibit the economic activity of women.

Beyond the right to development, recognised as a fundamental human right, the participation of women is inscribed, in Morocco as elsewhere, in the general problematic of human rights recognised for women. As a consequence, the participation throws up the fundamental question of equality between men and women... ⁴⁴⁵

The *Plan d'Action*, presented to the government in March 1999, envisages two steps in order to improve the judicial position of women. First, in order to

⁴⁴³ Rajah El Habti, interview with the author, Rabat, 6 February 2001.

⁴⁴⁴ Royaume du Maroc, Working Paper: 'Plan d'Intégration de la Femme au Développement' (Rabat, no publisher 1999), pp. 76/77, italics added.

⁴⁴⁵ Ibid. p. 70. It is important to note that the adversaries of the PIFD do not believe in the universality of these principles, or at least they do not believe in them when it comes to women rights. Ironically, they may well refer to them when they see their own rights threatened. In the same way, the authors refer to Koranic texts when defending their critique of the *Moudawana*. Ibid. p. 90.

improve the short-term situation of women, the articles of the *Moudawana* described in the PIFD should be implemented. These consist of treating the

urgent questions, revising the dispositions which, according to the practitioners, lawyers, and judges, threaten the most the balance of families, and around which the consensus does not pose any problem. This is the objective of this plan d'action in the short term.⁴⁴⁶

The second step concerns the creation of new positive law and the changing of existing legislation that takes into account the new development in Moroccan society. An ad hoc committee, consisting of specialists of the *shari'a*, sociologists, jurists, psychologists, and public health doctors, should initiate these.⁴⁴⁷

⁴⁴⁶ Ibid. p. 90.

⁴⁴⁷ Ibid. p. 90.

Changing the mouawana: The PIFD's Demands⁴⁴⁸

Age of Marriage: Advance the age of marriage from 15 to the age of 18. In exceptional circumstances the girl must be asked to explain her reasons for marrying at an earlier age, which should need the consent of a judge.

Obligatory Tutelage for Women: Inhibits the liberty of women to choose a partner.

Repudiation: Potentially destroys the family and the entire social order. From the ambivalent situation of women faced with this monopoly, held by the husband, follow obvious consequences concerning the safety of the family equilibrium. The question of repudiation has been central for all, who had been interested in the legal condition of women.

Polygamy: It constitutes a threat to the stability of the family. Even the Koranic texts acknowledge that it is a source of injustices against women and the source for social and familial transformations. However, each exception to the rule should be subject to the consent of a judge and the first wife.

The second marriage and the keeping of children: There should be no right of the ex-husband to take away the children if the wife marries a second time. The cultural logic permits to state that a child is better 'adopted' by the second husband of his mother, then by the second wife of his father, as the task of child rearing rests with women.

Alimentary Pension: In case of a divorce, the simple food pension needs an additional housing pension.

Equal sharing of acquired wealth: Work performed by the wife to accumulate wealth during the marriage needs to be respected when pronouncing a divorce.

⁴⁴⁸ Translated from *ibid.* pp. 90 - 93.

6.1.2.2 The polemic for and against the PIFD

In March 1999, the plan was presented to the Prime Minister Abdelrahman Youssoufi. It first gained public criticism in June 1999 when the League of Moroccan 'Ulema together with the Minister for Islamic Affairs made a clear public statement against the PIFD.

The question of the Moroccan Muslim women has become the subject of merchandising and trade off on the part of those who allow themselves to incite our Muslim authentic society, attached to its religion, its values, and its authenticity, to depart further from the precepts of Islamic law.⁴⁴⁹

In his public statement, the Minister for Islamic Affairs, Abdelkebir Alaoui M'Daghri, did not recognise the right of the authors of the plan to change or amend a law of the kind of the *Moudawana*, and saw in the project a threat to Islamic civilisation.

Under no circumstances can magistrates, lawyers, or psychiatrists have the educational qualification required for a textual revision of a law such as the *mouawana*. ... [The report is] founded on a secular basis [which] in its approach and its content is a feature of the war of civilisations, directed against the Islamic renaissance.⁴⁵⁰

In his view, although the authors of the PIFD have a just cause (the problem of development especially in rural areas), and some revisions of the juridical texts might be necessary, "this revision is only allowed to be made by the 'ulema, specialists of [Islamic] legislation and specialists in its basis and goals, and not by anyone else".⁴⁵¹ Commenting on the role that associations could play in the process of elaborating or revising the *code de la famille*, Alaoui M'Daghri states: "these associations have as their members female academics and other researchers. They have all understood that they could play a great role in this

⁴⁴⁹ *Al Bayane*, 25 June 1999

⁴⁵⁰ *Libération*, 25 June 1999

⁴⁵¹ *Libération*, 25 June 1999

debate, on the condition, however, that they participate in a positive way and without judgement regarding the main body of the *'ulema*.”⁴⁵² The press of the leftist parties counterattacked the statements of the minister and the *'ulema*⁴⁵³ immediately. As one article puts it in its headline: “This man is against the emancipation of women. That’s his right. What is worrisome is that he is a minister.”⁴⁵⁴

Whereas conservative forces around the Ministry of Habous and Islamic Affairs were countering the realisation of the plan, ‘modern’ organisations of civil society, such as the *Association Démocratique des Femmes du Maroc* (ADFM) put their forces together and created the *Reseau d'appui au plan d'action pour l'intégration de la femme au développement*. More than 200 associations participated in this association, founded on 20 July 1999. As the writer Hamina Zin Abidine explains, it was based on the contacts that these associations made since they rallied for the first amendments of the *Moudawana* in 1993.⁴⁵⁵ As the time of its foundation illustrates, all this can be seen as a reaction to the statements by the *'ulema* and the Minister for Islamic Affairs. Although nobody was seeking to create an atmosphere of confrontation, the formation of such a force in which Moroccan academic personalities such as Fatima Mernissi and Abdellah Hammoudi participated, had a potential for polarising the debate between traditionalists and modernists. The following statement illustrates this:

There was no question of creating an atmosphere of confrontation between the women’s associations and the ‘Ulema, but to make understood that the question of the place of women in society concerns everybody. This is why the idea of the network came into being, nourished by the concern to imply a maximum of organisations and individuals in order to build a new and modern

⁴⁵² *Maroc Hebdo International*, 2 July 1999.

⁴⁵³ It has to be said that not all *'ulema* were uniformly against the plan. There were currents within the league that tended to have a more ‘modernist’ view than others. An example is Professor of Islamic law at the Faculty of Islamic Law at Tetouan University, Mohamed Lamrabat.

⁴⁵⁴ *Libération*, 25 June 1999

⁴⁵⁵ Hamina Zin Abidine, interview with the author, Rabat, 9 February 2001. Hamina Zin Abidine is president of the network and militant of the ADFM.

societal project, which fully integrates women in the social, cultural, and economic development of the country.⁴⁵⁶

The underlying problem that evolved in this dispute was the question of who has the right to interpret the Koran and the *Shari'a*. Rabea Naciri, one of the original initiators of the plan, commenting on the only critique of the 'ulema against the *Plan d'Action*, that is the *statut personnel*: "As if the 'ulema were the only ones that had the right to interpret the holy texts. As if they stood up as a conservative, traditional, and omnipotent 'clergy', a notion totally unknown in Islam. Another vision exists, that is in line with its time, and it is exactly this vision that meets today a growing audience".⁴⁵⁷ The accession to the throne of Mohamed VI seemed to change the balance in favour of the feminists' demands. In his first Royal speech on 20 August 1999, the King in his role as the highest religious authority of Morocco (*Amir al-Muminin*), addressed the question of women in the following words:

Although women constitute half of our society, they see their interests undermined. The rights, with which our holy religion has endowed them, are not taken into account. These are rights, which correspond to their noble mission, that gives them justice against all worries and violence that they could fall victim to. This is despite the fact that they have reached an educational and economic level, which allows them to fully compete with men, be it in the field of science or work.⁴⁵⁸

At this time, however, a third factor appeared that would change the balance of power between the two camps completely. Whereas the movement that supported the changes of the mouawana had so far only been concerned with the established and institutional class of religious authority, i.e. the Minister for Islamic Affairs and the 'ulema, the Islamic movement in and outside the parliament took issue and demonstrated their force through a mobilisation of their supporters. This coincided with municipal elections in Khouribga in August 1999. Among the prominent personalities involved were Abdelkrim al-

⁴⁵⁶ *Al Bayane*, 22 July 1999.

⁴⁵⁷ *Al Bayane*, 22 July 1999.

⁴⁵⁸ *Al Bayane*, 24 August 1999. This address was very much welcomed by supporters of the plan and it was seen as a sign of the new King's support.

Khatib, secretary-general of the Islamist party *Justice et Développement* (PJD). Ahmed Raissouni, president of the movement *al Islah wa at-Tajdid*, Abdelilah Benkirane, as well as Abouzaid El Idrissi and Mustapha Ramid, Islamist parliamentarians under the banner of the PJD.

In November, 1999, the Islamic trend united under the umbrella organisation *l'Organisme National pour la Protection de la Famille Marocaine*. They accused the authors and supporters of the PIFD of neo-colonialism, and compared the changing of the *Moudawana* with the crusades. They cited, as evidence of this, the fact that it had been financed by the West's main financing institution: the World Bank. Hence, it was the duty of all true Muslims to resist such a cultural invasion, it could even be responded to by *jihad*. Indirectly, physical threats were addressed against intellectuals and militants of the women's movement.⁴⁵⁹ When the *Organisme National pour la Protection de la Famille Marocaine* held its first meeting, in November 1999 in Rabat, it was the leader of the Islamist party PJD, Abdelkrim al-Khatib, who animated the discussion, in collaboration with other established personalities such as Fqih Basri (former USFP). The matter united former political enemies such as Mahjoubi Aherdan (*Mouvement National Populaire*) with Abdelkrim al-Khatib, the latter having left the *Mouvement Populaire* in the 1960s, as a common declaration defending their position illustrates.⁴⁶⁰ As Halima Zin Abidine from the *Reseau d'Appui au Plan d'Intégration de la femme au développement* recalls the reactions,

the official reaction was that of the Ministry of Islamic Affairs and the *l'Organisme national pour la protection de la famille marocaine*. Inofficially, there has been the reaction of *Al Adl wal Ihssan*, that has been much stronger, even though they accept the literacy campaign, they are against all kinds of challenges to the *Code de la famille*. Sex education and contraception are for both a big problem, because they think that if you give people advice on how to practice contraception, this will lead to adultery. In the *'ulema*, there are those that are more conservative and those that are more liberal, although the former is certainly more dominant.

⁴⁵⁹ Habib Forkani in *Libération*, 11 November 1999, also 'Habib Forkani a consigné une texte avec Fqih Basri,' in *La Gazette*, 19 November 1999.

⁴⁶⁰ *Maroc Hebdo International*, 10-16 December 1999.

The reaction of the Islamists however, has certainly aggravated. There have always been threats, and thank god they have remained threats, but the threats have certainly increased.⁴⁶¹

For the Islamist party, the debate about the *Plan d'Action* had a very positive side-effect. When the officially recognised Islamists met on 27/28 November 1999, at the fourth congress of the *Parti de Justice et de Développement*, all political parties, USFP, *Organisation d'Avantgarde Démocratique et du Progrès* (OADP), *Union Constitutionnelle* (UC), *Parti d'Istiqlal* (PI), etc. sent delegations to "wish them success in their work." Hence, the demonstration of force - more than 7000 militants came to Rabat - went hand in hand with the acceptance of the establishment of the Islamic current. The *Organisme de la Protection de la Famille Marocaine* can be regarded a catalyst in this process, as it combined all conservative forces from the USFP, PI to the UC. As one commentator put it,

By the way, the recent creation of the *Comité de Défense de la Famille*, under the auspices of this political party, illustrated at least two things. First of all, the participation of all conservative personalities, from all political parties, in the centre of this Comité, announces the cristallisation of this current and constitutes an intensification of the recomposition of the national political field. Moreover, the PJD has shown that it constitutes an actor with which one should count. It is directing its first great battle on the field that it knows perfectly well, that of the legal condition of women.⁴⁶²

Whereas conservative and liberal forces of civil society engaged themselves in a battle over the *Plan d'Action*, it is remarkable that the state, (i.e. the government and the monarchical institutions) remained quiet and did not defend the plan, even though it was a government initiative. In fact, it seemed that the plan, made under the supervision of the Secretary of State charged with Women, Family, and Social Affairs, Mohamed Saïd Saâdi, was personalised to be this minister's *oeuvre*. By the same logic, the Prime Minister announced in January 2000 - pulling back and disassociating himself from a government initiative - that he was going to establish an inter-ministerial committee to study the plan. The fact that this inter-ministerial commission started work only in late April

⁴⁶¹ Halima Zin Abidine, Interview with the author, Rabat, 9 February 2001.

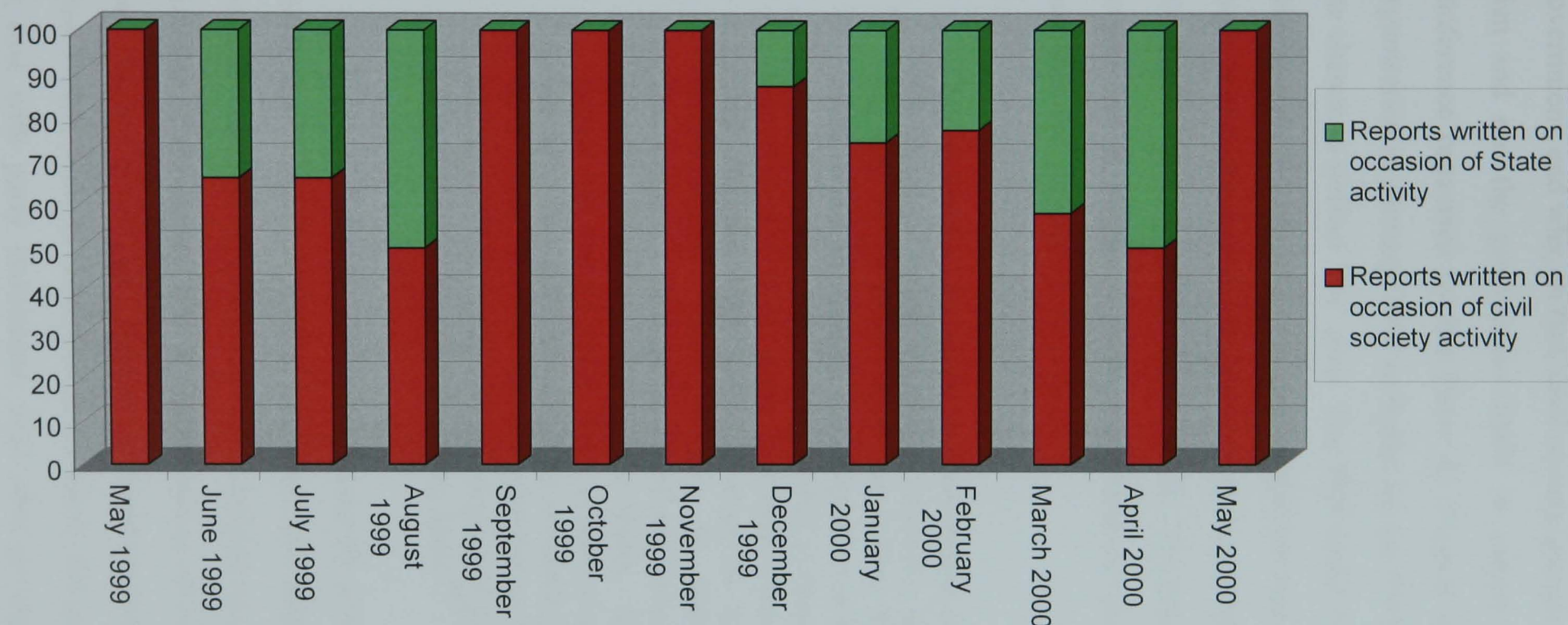
⁴⁶² *La Vie Economique*, 3 December 1999.

2000 shows that the government hesitated to play any leading role in an issue, that obviously caused too much emotion and friction among conservative and traditional forces. Hence, the government aborted a TV campaign to explain the plan to the illiterate majority of the Moroccan people and government officials preferred to refer the whole case to the King, in his capacity as arbitrator and *Amir al-Muminin*. On page 215, the analysis of articles appearing in the francophone press illustrates the hesitating position of the government.

As mentioned above, the debate started with the Minister of Islamic Affairs criticising the report and asking the *'ulema* to write a report on the PIDF in June 1999. It should be remembered that although the Minister is part of the government, he is directly appointed by the King, which renders him what Moroccan's call a *ministre de la souveraineté*. This is why, after calls for him to resign, he replied that he remained minister as long as he had the trust of the King. Although the Secretary of State charged with Women, Family and Social Affairs Saïd Saâdi defended 'his' plan in numerous interviews, neither the government nor the parties of the coalition defended the plan at the beginning of the debate. Only at the end of November did some government parties, notably the PPS and the USFP, start to present their public support. The case of the Istiqlal is telling. Not only that its official newspaper, *l'Opinion*, hardly ever mentioned the plan or the conflict, from the beginning it has taken a step back from the debate. When its women organisations, *Organisation de Femmes Istiqlaliënnne* signed a common statement with the *Réseau d'Applui du Plan d'Intégration de la femme au Développement* for the application of the PIFD, the Istiqlal issued a different, more neutral statement arguing for an 'open debate.' When the *Organisation for the Protection of the Moroccan Family* was founded in November 1999, members from all parties took part in this organisation, uniting in a common front under the leadership of the Islamist *Parti du Justice et du Développement* and its leader Abdelkrim al-Khattabi.

Despite the fact that, in his first Royal address, Mohamed VI assumed a role in favour of the PIFD, he remained behind the scene and only in March 2000 did a conference (entitled more neutrally 'African and Arab Women') took place under Royal patronage. This had led participants of the *Reseau* to ask themselves

Figure 2: State and Civil Society Participation in the Discourse 'Plan d'Action de l'Intégration de la Femme au Développement' May 1999 - May 2000 in %



‘Civil society activity’ is defined as covering the work of women’s rights groups, the publication of their statements, but also articles that have as their topic women’s rights in the context of the women’s activists’ demands. In the context of the PIFD, this *includes* the activities of the Islamic movement, if this is articulated *outside* the parliament and the state. In the context of the PIFD, “state-activity” has usually been the participation of a minister in the subject, but also government party’s publication of statements concerning the issue. The King’s address, for example, is also included under the heading “state-activity”. The purpose of this categorisation is to illustrate the state’s principal absence in the issue and the debate, despite the PIFD being, in the beginning, a government plan. This analysis is based on 120 articles that were published in *Le Matin du Sahara et du Maghreb*, *Libération*, *Al Bayane*, *Maroc Hebdo International*, *Le Quotidien du Maroc*, *L’Economiste*, *La Vie Economique*, *La Gazette du Maroc*, *Le Journal* and *L’Opinion* from May 1999 to May 2000.

why a government plan had not been defended and supported by the government, and why, in fact, civil society groups were defending a government plan and not the government itself. A reason for this can be found in a conference organised by the *Parti du Progrès et du Socialisme* (PPS) youth organisation in January 2000 in Rabat on the PIFD. Here, Saïd Saâdi was given the chance to defend 'his' plan. The PPS could not mobilise a large public, the other parties did not send any representatives and also no supporters, hence, the room, was dominated young Islamists male and female mixed. As the subtitle of an article of the of *l'Economiste* put it, "the minister is left alone to defend a project that is supposed to be a government project."⁴⁶³ The same article describes the atmosphere as follows.

Young people, obviously students whose exterior signs cut across the image of Epinal's bearded Islamists, instantly cause disorder. No sign might betray their conviction. They are determined to bring to fall the plan for the integration of women. One part of the room is made up of young, veiled women. They don't miss the opportunity to shout every time they deem necessary. They chant their slogans, their arms pointing to the sky, showing their determination: 'Idana Chaâbia lil Khotta Saâdia' (Popular Condemnation of Saâdi's Plan) and 'Allah Akbar Assifa Innaha Nazifa' (literally meaning the storm, that's a bleeding). The debate has started badly. Only a few people can speak, most of the time they are interrupted by screaming. One woman, holding up a spiral, dares to ask the minister to go to one of the night clubs, to see the vices and the degree of prostitution. For her, the project has the fingerprints of the devil.⁴⁶⁴

As Figure 2 indicates, at the beginning the government position was marked mostly by a dialectical tension between Saïd Saâdi and the Minister for Habous without a clear government statement marking its position. In what followed, the creation of the *reseau* and the mobilisation of Islamists dominated the debate until the end of the year, with no clear government intention becoming clear or even visible. Only in December and January did government activity show itself, at first with party statements, then with government statements against the mobilisation of Islamists in the mosques, i.e. the utilisation of sacred places for

⁴⁶³ L'Economiste, 26 January 2001. In French: "le ministre est livré à lui-même pour défendre un projet pourtant gouvernemental"

⁴⁶⁴ L'Economiste, 26 January 2001.

political purposes. This was an issue demanded by the women's organisations to confront the growing mobilisation against the plan which was taking place the mosques. Later on, the government took part with Prime Minister Youssoufi's announcement of the creation of an inter-ministerial committee. This committee was to consist of all groups involved, and was to give new recommendations regarding the PIFD.⁴⁶⁵

The slow reaction of the government towards an unpopular plan that had strong support in the organised women's movement illustrates the dilemma of a government that is facing a strong, well organised and extremely divided civil society. The state, trying to represent and overcome the conflicting interests found itself in the middle of a battle, in which parts of its machinery represent the two diverging interests themselves, which puts each of them in arms against the other. Here, the conflict was animated by the Minister for Habous and Islamic Affairs, and later by conservative forces within all parties, (i.e. Lhabib Forkani, USFP). In this situation, the neutrality of the state is not a given factor, and the state reacts but slowly, changing its features as they are fought over by social forces that have their political outlets in Parliament. Thus, the plan to change the *Moudawana* is now shelved⁴⁶⁶, and instead of an overall plan to increase the economic capacity of women in Morocco, the different sections of the plan, i.e. literacy, reproductive health, are treated separately in the different government ministries, with no sign of real activity in sight. But a government reshuffle in October 2000 put a former, female militant at the head of the newly created Ministry for Women and the Family, which did illustrate a certain commitment towards the cause. This poses special problems for developing polities, or political systems that aspire to a more democratic representation, as such a situation is inevitably connected with a re-organisation of interests in government. The *Parti de Justice et de Développement* congress being one sign of it, and the reception of PJD leader Abdelkrim al-Khattabi by the Prime Minister Youssoufi in February 2000 another. It seems clear that the *Koutla* parties did not want to treat the *Moudawana* in their election campaign,

⁴⁶⁵ It has never been created. Instead, a Royal commission, announced in April 2000, formed in April 2001, started to operate, without any results (time of writing: March 2003).

⁴⁶⁶ Time of writing: March 2003.

something the PJD, playing its trump of public morality, would be more than happy to do. On the other hand, the *Reseau* working towards a change of the *Moudawana* before the elections, wanted to see these changes realised and threatened to withdraw its support for those parties that did not act.

We are still working hard to see changes before the next elections. We try to tell the government that if they want the vote of women in this country, then they need to change the conditions for them. We will vote for the party that acts.⁴⁶⁷

The problem for the women's organisations, however, is to reach into those sectors of society where the problems of illiteracy and poverty are the most urgent, in order to create a credible counterforce to those that already seem to have the network and the support-system in the more heavily populated areas. This is quickly understood by the political leaders of the force against PIFD, as the following statement by Abdelkrim al-Khatib and Mahjoubi Aherdan illustrates:

Everything has been made as if the plan concerned nobody except for women living in expensive neighbourhoods, who, by the way, have no need whatsoever for an action plan for their development. Morocco is much bigger and if the objective is to get official acknowledgement of a certain way of life, with the rights that come with it, then we see here a plan that has been made for a certain category of woman and not for all Moroccan women. There are arabophone women and tamazight women, there are urban women and rural women, we have intellectual women and illiterate women, women from bidonvilles and from residential areas, each one having her own proper characteristics.⁴⁶⁸

The intellectual force of women's rights groups' arguments seems weaker than the simple popular Islamic message based on public morality, especially when it comes to spreading the message in a target group that is largely illiterate. However, features of Moroccan society are constantly changing: two examples are the highest divorce rate in the Maghreb (20 %), and an increasing NGO activity targeting gender-specific problems of women such as domestic violence.

⁴⁶⁷ Halima Zin Abidine, President of *Reseau d'Appui au Plan d'Intégration de la Femme au Développement*, Interview with the author, Rabat, 9 February 2001.

⁴⁶⁸ *Maroc Hebdo International*, 10-16 December 1999.

divorce, single motherhood, male tutelage, prostitution in the popular areas of Casablanca.⁴⁶⁹ These changes will ultimately increase the pressure for legal changes despite the structural disadvantages that the women's rights movement is experiencing at the moment.

6.1.2.3 Summary

The development around the PIFD has been an essential mobilising force of two important socio-political currents, which claim a fair stake in the state's socio-cultural orientation. In the latter half of the 1990s, the women's rights paradigm has been able to reach - institutionally - the highest level of the state. At the same time, however, the state has never explicitly adopted the discourse of women's rights, which became more than obvious during the PIFD campaign as I have illustrated in this subsection. Therefore, the opposing sectors of civil society were seeking political umbrella organisations, but were largely left alone to campaign for a project that touches cultural sensitivity. In this situation, the state's absence from the public sphere is the most remarkable feature, especially because it seems extremely difficult to redefine the content of the women's rights message in a way to make it conform with a proactive religiously defined state. Therefore, in the absence of a consensus in the public sphere, the state could not act as a unifying force to embody a consensus, and its reaction is marked by inertia.

6.1.3 The state's responses to the Berber rights discourse

The Berber right discourse illustrates features that are similar to both the women's rights discourse and the human rights discourse. It shares with the women's rights discourse a certain volatility of actors of civil society, and a lack of a homogenising element that could possibly transform the discourse into a state-led project. On the other hand, there are clear state attempts at redefining the political content of the discourse, in order to liberate it of potentially 'destructive' elements. The purpose of this subsection is again to illustrate how

⁴⁶⁹ E.g. *Centre d'Ecoute*, *Bayti*, *Solidarité Féminine* all founded in the 1990s

the state's reaction has been conditioned by the discourse's articulation in the public sphere.

Amazighity gained a significant international dimension, since the Berber culture - as the original inhabitants of North Africa (*Tamazgha*) - is equally found in Algeria, Tunisia, Libya, parts of Egypt, Mali, Niger, and the Canary Islands. From 27-31 August 1997 the *Congrès Mondial Amazigh* (CMA) held its first meeting in Tafira / Canary Islands - no other government would have given the organisation the authorisation to hold a meeting. The world congress - being an expression of the fact that the very nature of the culture transgressed all boundaries - reconfirmed the sentiment shared by many Berbers that they constituted a greater nation. On the 22 January 1998, the central organ of the CMA declared in Paris:

Tafira is and remains a great moment in Amazigh history. It has been the first congress of all Imazighen, the establishment of a strong ambition, of a dream, that to unite all children of Tamazigha [name of geographical entity of North African Berbers]. ... Not everything was adopted unanimously. But we consider this normal *considering that geographical distances and centuries separate us since the night of times [la nuit des temps] without counting the enemies of the Amazigh people and their work to systematically destroy everything that deals with tamazight... Let's be determined to work that the Congrès Amazigh becomes a powerful factor to unite the Amazigh people, to resist state and partisan interests, to render it an efficient instrument for the defence of our interests, of the fundamental rights of the Amazigh nation.*⁴⁷⁰

6.1.3.1 Amazighity in Morocco: A discursive rapprochement

On 1 May 1994, seven members of the *Tilleli* (Freedom) association were arrested in Goulmima (south-east Morocco), when they displayed banners in *tamazight*, asking for the official recognition of the language.⁴⁷¹ Seventeen days later, four of them were released, the other three sentenced to prison terms (two for two years and the third one to one year) and fined 10,000 dirhams (\$1,000)

⁴⁷⁰Quoted in *Tifinagh* No. 13, March 1998, p. 73, emphasis added.

each. They were convicted of posing a “threat to the sanctity of the State”.⁴⁷² Shortly afterwards, after widespread publicity, more than 400 attorneys volunteered to defend the teachers in their appeal on 29 June 1994. Only four days after their appeal they were all released.

The increasing activity of the Berber movement, growing awareness among Moroccans concerning the right to publicly challenge the state’s authoritarian measures, along with the state’s augmenting expansion of civil space, resulted in the King’s moving towards certain discursive changes. On the 33rd anniversary of the King’s accession to the throne, the 20 August 1994, the King declared that Morocco’s “dialects” were “one of the components of the authenticity of our history.” Surely “we have to hold to the language of the Koran but not at the expense of our authenticity and dialects especially since there is not one of us who cannot be sure that there is in his dynasty, blood or body a small or large amount of cells which came from an origin which speaks one of Morocco’s dialects”⁴⁷³ Although Arabic remained the “*Langue Mère du pays*”⁴⁷⁴ he issued a decree authorising the necessary changes in the national curriculum that permitted the teaching of Berber *dialects* at schools. Earlier in the year, Prime Minister Abdellatif Fillali declared that the government intended to introduce news bulletins in the three Moroccan *dialects*. What became apparent was that linguistically, *national authenticity* was coupled with the existence of *dialects*, which left the question of Amazigh culture and *its authenticity* coupled with its *language* Tamazigh out of the equation.

Nevertheless, in 2002, eight years after King Hassan’s authorisation to teach “dialects” in schools, it had not been put into practice and seemed to be off the agenda. The forceful repression of the Berber movement in neighbouring Algeria in spring 2001, however, along with the fact that Moroccan Berbers were prevented from supporting the Kabylis, has put the unsatisfactory Amazigh

⁴⁷¹ Apparently, they shouted slogans against the teaching of Hebrew at Moroccan Universities when that of *tamazight* was banned. *Courier International*, No. 550, 17-22 Mai 2001.

⁴⁷² US State Department: Morocco Human Rights Practices for the Year 1994, (Februar 1995).

⁴⁷³ Quoted in Weitzman, 2000, op.cit. p. 32.

⁴⁷⁴ Quoted in *Le Journal*, 22-28 July 2000.

question back on the agenda. The discursive rapprochement, as the following Berber manifesto illustrates, has been unsuccessful.

6.1.3.2 *The Manifeste Berbère*

Half a year after Mohamed VI's accession to the throne in August 1999, one of the most prominent militant of the Amazigh cause, the academic Mohamed Chafik, wrote a 23 pages long *manifeste berbère*. 229 militants, including one of Morocco's best known human rights activists, Driss Benzekri, (*Forum Verité et Justice*) signed this manifesto on 1 March 2000. After its publication in the press, it was sent to the Royal cabinet. This can be considered a reaction to the lack of progress concerning the realisation of both the Charter of Agadir and King Hassan's promise made six years earlier in 1994, which "did not have the smallest effect and, up till now, remains a dead letter."⁴⁷⁵ By the end of the 1990s a remarkable increase in the number of Berber associations was to be seen: from around six in 1990 to almost 200 in 2000. They had organised themselves in the Congrès Mondial Amazigh (CMA) pushing for political reforms concerning the recognition of *tamazight* as an official language and a rewriting of Moroccan history to include Berber history. The first sentence of the manifesto declares a certain optimism that has marked the coming to power of Mohamed VI.

Thanks be to God, Morocco is about to get out of a situation against which it has been fighting since independence. ...Thanks to the will of the majority of the people, and the will of a young King, nourishing great intentions, soon we enter into the third millennium by its great door, at the same speed as those who have prepared themselves. Resolutely and without false shame, we have started to repair our mistakes. Time has come for enthusiasm, and action, through a general mobilisation processing the dormant energies of our deepest national consciousness.⁴⁷⁶

This manifesto repeats, explains, and summarises nine principal demands of the Amazigh movement. It starts with an official constitutional recognition and a compulsory teaching of *tamazight*, demands the provision of Berber-Arabic

⁴⁷⁵ Mohamed Chafik: 'Le Manifeste Berbère', (2000), p. 13.

interpreters in administrative and public institutions such as hospitals and the law courts, and goes on to ask for the establishment of an exclusively Berber speaking Moroccan TV station.

Millions of TV spectators ... do not understand anything of what they hear, the language of the news, the official speeches, the interviews and the commentaries, the round table discussions etc, which are all in a classical Arabic or in a dialect which tries to be classical Arabic in its turns and vocabularies. The language of films is usually Egyptian or French. These millions of Moroccans cannot but have a feeling of frustration, one of cultural exile, or of furious resignation; anyone in their place would be reduced to this kind of frustration. Then it is legitimate to ask ... if they are at home, in the country of their ancestors, or are they in a country, which is subjected and colonised?⁴⁷⁷

The manifesto had the effect of rallying the support of almost 200 Berber associations. On 12 May 2000, 150 militants met in Bouznika to discuss the strategies at their disposal to realise the demands formulated by Chafik. Although the manifesto was ignored by the majority of the national press,⁴⁷⁸ the subsequent meeting in Bouznika gave rise to speculations about the possible creation of a political party. Some Amazigh militants had evoked the idea, notably the Moroccan president of the *Congrès Mondial Amazigh*, Rachid Raha.⁴⁷⁹

For the militants, the meeting was a success, and another step towards the organisation of a political force. The creation of a political party was dismissed; it was considered by Chafik to be an invention of the media.⁴⁸⁰ The militants created a commission that was charged with the creation of a general assembly of Amazigh forces. The debate about the possible creation of a political party, however, became the principal objective of a subsequent discourse between

⁴⁷⁶Ibid. p. 2.

⁴⁷⁷Ibid. p. 20.

⁴⁷⁸According to *Agraw Amazigh*, 30 May 2000, only three national journals published the manifesto.

⁴⁷⁹See for instance Rachid Raha: 'Pourquoi les imazighen du Maroc devront s'organiser politiquement?' in *La Gazette du Maroc*, No. 190, 22 November 2000.

⁴⁸⁰*Libération*, 17 May 2000.

Arabists and Amazighs. It was marked by an identification of a 'Berber threat'⁴⁸¹ that went hand in hand with a 'politicisation' of the issue and the idea of a 'Berber Fundamentalism'.⁴⁸² Similar to the national debate about the PIFD Figure 3 on page 225 illustrates the state's absence in a debate that is marked by a polemic between Amazighs and Arabists.

6.1.3.3 Morocco in the 2000s: The reconfirmation of Berber Rights?

The Kabylia uprising in neighbouring Algeria in spring 2001 had a profound effect on the balance of forces in Morocco. It met a well-organised associative structure, which struggled with those political forces that wanted to stop the creation of a Berber political party. This was the main concern of the established holders of power. Had the Berber movement developed into a mass movement, the power base of established political parties would have been threatened. Hence, since 2001 the demonstration of solidarity of Moroccan Berbers had been strictly banned.⁴⁸³ This gave rise to demands of the creation of a Berber political party, as, without one, the free expression of Berber demands within civil society and associations was seen to be impossible. As Ahmed Benchemsi in *Jeune Afrique l'Intelligent* put it, "As the manifesto puts it, it is certain that the cultural associations do no longer manage to channel and ease off Berber frustration. Therefore, it is time to become politically active, which risks to upset the central power."⁴⁸⁴ A visit of the *Congrès Mondial Amazigh* to the European parliament in Strasbourg on 12 June 2001 ended with the parliamentarians confirming their support to the Amazigh cause. On 15 June 2001, the 15 Head of States of the European Union demanded a political initiative to solve the Berber question in Kabylia, including widespread political and economic reforms.

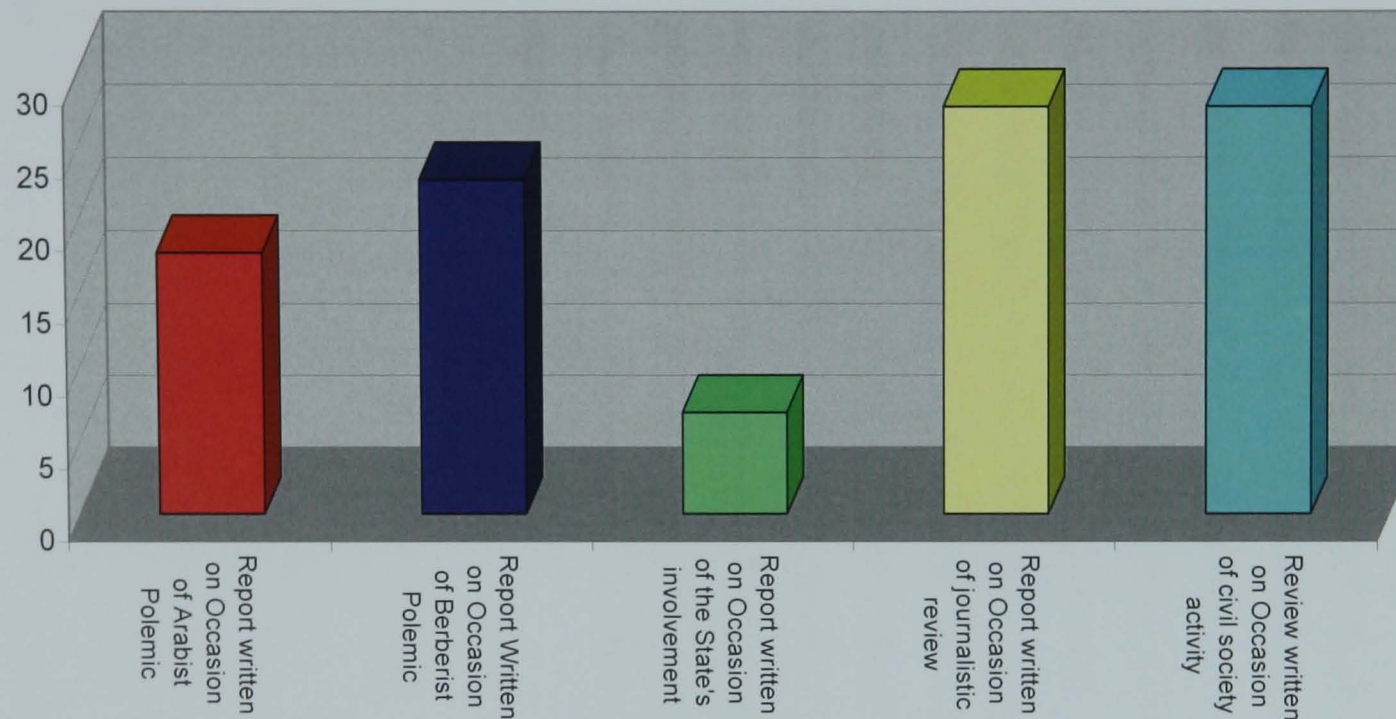
⁴⁸¹ *Al Bayane*, 5 May 2000, Abdellatif Mansour in *Maroc Hebdo International* 13-19 July 2001.

⁴⁸² Abdellatif Mansour in *Maroc Hebdo International* No. 42 23/06/2000, *Le Journal Hebdomadaire* 30 June – 6 July 2001, *La Gazette du Maroc* 15 April 2002.

⁴⁸³ The only exception being that of the traditional 1 May demonstrations all over the country. The police forcefully dispersed the subsequent sit-in in front of the Algerian embassy in 2001 and the handing over of a letter to the ambassador.

⁴⁸⁴ *Jeune Afrique l'Intelligent*, 8 June 2001.

Figure 3: State and Civil Society Participation in the Berber Discourse 2001-2002 in %



Because of the state's clear absence from the discourse, I have subdivided non-state activity into five major groups: 'Arabic / Berber polemic' means that the author is a militant and argues directly for or against the recognition of Berber rights. A 'journalistic review' of the issue is defined as covering the work or the politics of the Berber issue, without being written on the occasion of new Berber activity. Under the heading 'associative activity' I have included all articles that were written to inform on any new development, in which any Berber association had participated, - such as the *Manifeste Berbère*. 'State-involvement' has usually been participation of a minister on the subject. The King's initiative to found the Institute for Amazigh Culture, for example, is also included under the heading 'state-involvement.' The purpose of this categorisation is to illustrate the state's principal absence in the issue and the debate, and the divisiveness of the issue among Moroccans. The chart covers the period between June 2001 and June 2002 and it is based on the analysis of 43 articles published in *Le Journal Hebdomadaire*, *L'Essentiel*, *Maroc Hebdo International*, *l'Economiste*, *La Gazette du Maroc*, *Le Reporter*, *Demain*, *Libération*, *Le Quotidien du Maroc*, *La Vie Economique*, and *Al Bayane*..

In the meantime, in June 2001 the second follow-up meeting in Bouznika of Moroccan Berber associations failed to get the authorisation required. With neighbouring Algeria falling deeper into civil strife, the political dimension of the Berber question was regarded as too sensitive by the Moroccan authorities. Moreover, the possible creation of a Berber political party at a time when Morocco was trying to prevent the foundation of any new political parties (for instance the liberal party of entrepreneurs *Forces Citoyennes*) ensured major political resistance. Berber militants were charged with spreading hostile and intolerant anti-Arab and even anti-Islamic ideas (sponsored by Zionism and foreign countries!), and with representing nobody but themselves. In addition, they were reminded that associations and political parties based on ethnicity or regions were outlawed by the constitution.⁴⁸⁵ Berberism was associated with Islamic extremism, and it was stressed that Mohamed Chafik, the main intellectual figure behind the Berber movement, was a friend of Abdessalam Yassine, the spiritual leader of *Al Adl wal Ihssan*, Morocco's main Islamic movement. This created a major political impasse, as the rhetoric became increasingly violent, the Algerian example threatening, and Morocco's Amazigh movement increasingly powerful, organised, self-confident (remembering past promises from the late King Hassan II), and intellectually mature. The Moroccan state reacted in a way that it could do best: the banning of its public expression.⁴⁸⁶

⁴⁸⁵ For example *Maroc Hebdo International*, No. 42, 23 June 2000, *Maroc Hebdo International* 13-19 July 2001 pp. 6-8, Al Bayane, 5 May 2000.

⁴⁸⁶ Rabat, 1 May 2001, Bouznika, 22-24 June 2001, Casablanca 4 July 2001, Goulmin 28-29 August 2001

6.1.3.4 *The beginning of domination: "Amazigh Speech: His Majesty the King seizes control over the issue."*⁴⁸⁷

On 30 July 2001, however, the issue took a surprising turn. On the second anniversary of his accession to the throne, Mohamed VI announced the creation of the *Institut Royal de la Culture Amazigh* (IRCA) that he qualified was part and parcel of his *Nouveau Concept de l'Autorité*. In his speech, he stressed that Moroccan identity is "plural because it was built on diverse influences: Amazigh, Arab, Saharan, African, and Andalusian." To give more impetus to the culture and its scientific exploration, the IRCA was supposed to give "a new impulse to this culture, which constitutes national wealth, in order to give it the means to preserve itself, to develop, and to blossom and flourish... Therefore, We have given substance to the cultural dimension of the new concept of authority, which We attempt to put into practice."⁴⁸⁸ The press immediately remarked on the unique quality of a Royal speech that stressed the Berber origins before Arabic culture as a source of Moroccan identity. *L'Economiste* ran the headline: "Amazigh Speech: HM the King seizes control over the issue."⁴⁸⁹ Other Royal comments were to follow. In an interview with the French newspaper *Le Figaro*, the King Mohamed VI situated the Berber demands within the plural national identity that is Moroccan:

The Berber demands are not the same as those of the Kabylis. Here in Morocco, the Amazigh rather than Berber sensibility is integrating. The identity 'I am Moroccan' comes before 'I am Berber' or 'Arab.' There are Moroccans who are Berber, others are Arab, African, or Andalusian descendants. My father was of Arab descent, whereas my mother was Berber. This reality expresses the Moroccan genius.⁴⁹⁰

On 31 October in an interview with the newspaper *Paris Match* the King contended that "I am myself half Berber, this would be to deny one part of my

⁴⁸⁷ This is how the independent weekly *L'Economiste*, 1 August 2001, put it.

⁴⁸⁸ Quoted in *L'Economiste*, 1 August 2001.

⁴⁸⁹ Ibid.

culture and of my genes. I don't speak Amazigh, *helas*, because I was brought up in an education system in which it was not taught, but I would like to be able to take the time to learn it.”⁴⁹¹ On 17 October 2001, the King had already issued the decree, which gave the *Institut Royal de la Culture Amazigh* its legal status. On 2 January 2002 he nominated the leading intellectual figure of the Amazigh movement, Mohamed Chafik, author of the *manifeste berbère*, as director of this institute. The four other members of the *conseil administratif* are Mohamed Rochdi Chraïbi, director of the Royal cabinet. Hassan Aourid, the King's personal Berber schoolfriend and Royal spokesperson, Mohamed Meziane Belfkih, Royal councillor, and Abel-Wahab Benmanssour, official historian of the court.⁴⁹² As the human rights institution CCDH, this institute is financed by the King's personal budget, that of the Royal court.⁴⁹³

6.1.3.5 Summary

Concerning Morocco's political strategy at dealing with the Berber question, the above events are symbols of significant changes. First of all, it is reminiscent of the strategy dealing with the human rights question in the early 1990s. A Royal Institute is formed (although it is not an Advisory Council) to deal 'in all objectivity' with the profound matters, beyond the present demands of Berber activists and its Arabic partisan counterparts. The Royal Institute is to be composed of the "representatives of the different components of *La Nation*,"⁴⁹⁴ which means political parties, labour unions, religious and economic representatives and those of associative life. Questions of official recognition of *tamazight* and political changes that allow for Amazigh culture to flourish in Morocco are qualified by stipulating that the Institute's first objective is the "the recognition of the integral unity of our shared history"⁴⁹⁵

⁴⁹⁰ *Le Figaro*, 4 September 2001, also quoted in *Le Monde Amazigh*, No. 6, 6-15 September 2001.

⁴⁹¹ Quoted in *Le Monde Amazigh*, No. 14-15, 31 January 2002.

⁴⁹² *Le Monde Amazigh*, No. 14, 5 January 2002.

⁴⁹³ *L'Essentiel*, February 2002.

⁴⁹⁴ *L'Essentiel*, February 2002.

At the same time, the discourse itself illustrates features that weaken the state’s possibility to engage in the discourse, should the institute aim at radically changing the status quo. Before this happens, the volatile discourse suggests that the institute will first of all engage in a redefinition, in order to create the consensus needed for a further engagement in, and commitment to, the issue. This leads to the last point to be made concerning the question why the state reacts discursively, but not yet institutionally. Stated otherwise, why is it that the state creates the discourse *about* the protecting Berber rights, without actually creating and implementing the legal and political measures at its disposal. As this analysis indicates, it seems that the answer is that the differences among groups of Morocco’s civil society are too strong, and that a strong government position would only exacerbate the divisions.

6.1.4 Summary Section One

Table One: Discursive Representation and State Intervention				
Rights Movement	Consensus in the Public Sphere	Redefinition Possible	Discursive Intervention	Institutional Intervention
Human Rights	Yes	Yes	Yes	Yes
Women’s Rights	No	No	No	No
Berber’s Rights	No	Yes	Yes	No (if no consensus)

This table summarises the state’s position and interaction in a particular discourse, depending on a discourse’s particular articulation in the public sphere. It illustrates the central finding of this section: that the state’s interaction in the public sphere is marked by the way in which a discourse is represented. It needs to be stressed that it is not possible that this be directed or controlled by the

⁴⁹⁵ Ibid. Emphasis added.

Moroccan state. Instead, it depends on the multitude of interactions between individuals, who work on or who are interested in the issue.

For the purpose of this thesis, this section has illustrated the forms that interaction between state and civil society may take depending on the particular structure of a discourse. In Morocco, the strategies of domination and adoption that I have identified are only possible if the base of the discourse is not fragmented, or if a consensus exists. This stresses the fact that the public sphere is increasingly autonomous, and not structured according to clearly defined principles that may be controlled by the state, which is just one of the actors in this sphere. However, a process of redefinition might have the effect of creating a consensus that has been absent before. Although it seems unlikely that this can be successful, the King's direct engagement in the Berber's rights discourse may have exactly this effect.

6.2 Section Two: The state's 'visible' and 'strategic' responses to new actors: boundary setting, co-optation, and integration

6.2.1 Boundary setting

On 9 December 2000, the occasion of the 52nd anniversary of the universal declaration of human rights, the *Association Marocaine de Droits de l'Homme* (AMDH) organised a demonstration in Rabat for the protection of human rights. Like the demonstration of the Islamic organisation *Al Adl wal Ihssan* in Casablanca, it was not accorded the required authorisation. Like the demonstration in Casablanca, the dispersal of the demonstration and the trial of 36 militants followed suit. Within the 36 militants arrested were the president A. Benamour, secretary-general of the radical-leftist *Parti de l'Avantgarde Démocratique et du Socialisme*. In January 2001, the AMDH came to fear its own dissolution, but continued to function despite police harassment. On 17 May 2001, the 36 militants were each condemned to 3 months imprisonment and a 3000 Dirham fine (300 Dollars). They were found guilty of "participating at the organisation of a banned manifestation and the public, non-armed gathering that

could have threatened the public order.”⁴⁹⁶ The trial was described by a Moroccan journal as ‘Kafka-esque’, during which “all defence questions were refused, no formal requirements fulfilled, and the right of the accused even to speak denied.”⁴⁹⁷ One week after the violent repression of the AMDH demonstration, the francophone weekly *Le Journal* and its Arabic counterpart *Assahifa* were banned by the Prime Minister, Abderrahman Youssoufi. This was due to the publication of a letter by the former communist radical Fqih Basri, which implied the USFP’s participation in the military coups of the early 1970s.⁴⁹⁸

These two incidents and attacks on the freedom of expression and public assembly were related. A few weeks earlier, the magazine *Le Journal* had published an *Association Marocaine de Droits de l’Homme* (AMDH) list of high ranking officials close to the régime that were considered by the AMDH as having perpetrated crimes against humanity during so-called ‘years of lead.’ The list of names included the highest ranking military officers such as Hosni Benslimane, chief of the police force, and Hamidou Laanigri, chief of the DST (Direction de la Sécurité du Territoire, Moroccan intelligence service), both high representatives of the *makhzen*. Since 1999, the AMDH and the Moroccan NGO *Verité et Justice* had been rallying in order to bring to justice the perpetrators of the worst violations of human rights, especially those responsible for torture and death in prison. As many of those were still holding positions of power in the army and civil service, the régime - and many others - had not recognised the AMDH’s and *Verité et Justice*’s demands, and had consequently tried to limit the scope of their activity. The dissolution of the AMDH was first proposed in the government council after the publication of this list, fearing the opening of a Pandora’s Box by the activities of this association.⁴⁹⁹

⁴⁹⁶ *Le Journal Hebdomadaire*, 26 May - 1 June 2001, p. 10.

⁴⁹⁷ *Ibid.*, p. 10.

⁴⁹⁸ This came after, in April 1999, *Le Journal* had one number censured for an interview with Polisario leader Mohammed Abdelaziz El Marrakchi.

⁴⁹⁹ *Le Journal Hebdomadaire*, 26 May - 1 June 2001, p. 10.

At the centre of the government's activity aimed at restricting the activities of the association, as well as that of journals that tend to touch the three sacred elements of Morocco (King, God, and Nation i.e. army), appeared the press, which faced the restrictive press code around article 77 of the *dahir* of 18 November 1958. The *dahir* gives the Prime Minister the right to ban the publication of a newspaper and the Interior Minister the right to censure individual numbers. The lack of independence of the courts illustrated itself once again in the withholding of the legal receipt to the former director of *Le Journal*, Jamaï. He applied for a new authorisation after *Le Journal* and *Assahifa* had been banned. The appearance of these two journals under a different name, notably *Le Journal Hebdomadaire* and *Assahifa al-Ousboya* was only achieved after *Le Monde* staged a media campaign in support of their director, Jamaï. Part of this international campaign was his invitation to the 34th congress of the International Federation of Human Rights in January 2001. Taking place in Casablanca, Morocco's entire human rights nomenclature was present, including the Minister of Human Rights, Mohamed Aujjar, from the so-called administration's party *Rassemblement National des Indépendants* (RNI). The standing ovations for this young Moroccan journalist ensured that the political élite did not miss the point. A few days later, the Moroccan régime showed its flexible and undogmatic nature of dealing with political pressure: the two journals were given the necessary legal receipt and allowed to reappear under a different name.

After the reappearance of *Le Journal* and *Assahifa* under a different name, the Foreign Minister, M Benaïssa, sued the journal for defamation. In one of its articles *Le Journal* reported on dubious financial transactions, through which the Royal acquisition of US property via the former Moroccan Ambassador to the United States was achieved at a price many times above market value – which was obviously to the advantage of the former Ambassador and now Minister of Foreign Affairs, Benaïssa. For his comments on this affair, the director of *Le Journal* was condemned by the Casablanca Tribunal of Hay-Hassani Aïn Chock to pay a fine of 2 million dirhams, approximately 200,000 US dollars. A member of the security force is reported as saying “Don't worry, *Le Journal* will not die.

We will leave its head just out of the water.”⁵⁰⁰ In June 2001, Prime Minister Youssoufi told a group of German journalists with respect to the fate of *Le Journal* that the Moroccan press needed to learn how to behave, and in France he proclaimed, “the interdiction of *Le Journal* had good effects. Look how wise they have become.”⁵⁰¹

Other attacks on the freedom of press were directed against the director of the Rabat bureau of the *Agence France Presse* (AFP), Claude Juvénal. After having sent the same manifesto of the *Association Marocaine de Droits de l'Homme* that had been responsible for the closure of *Le Journal*, to France, he was expelled from Morocco. According to the authorities,

this journalist has lost the ethic and the deontology of the profession by taking initiatives hostile to Morocco and its institutions. His reports... were hardly ever motivated by concerns of information but inspired by the will to talk badly and to provoke confusion, ambiguity, and conflict within the national community. However, ..., the bureau of the AFP at Rabat continues to work normally and Morocco remains more than ever attached to the freedom of press and to the guarantees that apply to this liberty if it is inscribed into a de-ontological framework and ethic of this profession as it is realised, conceived and respected in the entire world.⁵⁰²

Already in 1999, Claude Juvénal of AFP had got into trouble with the authorities. He had published an article that quoted a source in the Palace as saying that Algerian Islamic militants had been crossing the badly controlled southern border between Morocco and Algeria during one of their attacks in the summer of 1999.⁵⁰³ Taken up by the Algerian media, such news was embarrassing. When Juvénal was declared *persona non grata* the Royal newspaper *Le Matin du Sahara et du Maghreb* criticised him

since for many years he has not stopped to doubt, to criticise, and especially to denaturalise – characteristically with bad

⁵⁰⁰ Jean-Pierre Tuquoi: *Le Dernier Roi, Crépuscule d'une Dynastie*. (Paris: Bernard Grasset, 2001), p. 268.

⁵⁰¹ Ibid. See also Youssoufi's interview with the Spanish newspaper *El Pais*, reprinted in *Le Monde*, 21 December 2000.

⁵⁰² *Le Matin du Sahara et du Maghreb*, 5 November 2001, italics added.

⁵⁰³ *Le Monde*, 7 November 2000, 3 September 1999.

As can be seen from these cases, limitations of the freedom of expression are intimately linked to publicly criticising the army. The Kingdom is continuing to protect the sacredness of this institution by all means, and has kept a strict line of interpretation. When it comes to sensitive issues the freedom of expression has remained restricted, and the 'red lines' of permissible behaviour, badly defined and up to interpretation, are not up for discussion. This is justified in terms of 'nobody is above the law' and in the following example sanctioned with prison sentences.

On 30 November 1999, the military officer Mohamed Adib talked to the French press about corruption and ill-treatment in the Moroccan army. As a result, he was later condemned to five years imprisonment by a military court. Captain Adib was an officer in the Moroccan army when he noticed networks of corruption that dealt with the reselling of 120 tons of army gasoline in Errachidia. In October 1998 he addressed a letter to the Supreme Commander of the Royal Armed Forces, Crown Prince Mohamed, in which he denounced the corruption that he had witnessed. The Crown Prince opened an inquiry into the affair, which resulted in the condemnation of Adib's superiors to 18 months imprisonment. Although Adib was not implicated in any way in this affair, he became subject to harassment, transfers from one military base to the other, and various disciplinary sanctions. All this led him to file an official complaint at the administrative tribunal, a civil jurisdiction. The court accepted its responsibility, but never dealt with the issue. His recourse to a civil court, however, had the negative effect of increasing the harassment to which he was exposed. This is why Adib spoke about his experience with a French journalist from *Le Monde* on 30 November 1999. Five days later he was arrested and interrogated by military at a senior level: by the Sahara Commanding Officer General Bennani and by the director of the *Direction de la Sécurité du Territoire*, Hamidou Laanigri. Captain Adib was subsequently held for 60 days under military arrest. On the 17 February 2000, after his military trial (from which the public media was

⁵⁰⁴ *Le Matin du Sahara et du Maghreb*, 5 November 2001.

completely excluded), he was sentenced to five years imprisonment, which was later reduced to two and a half years, for “violations of military instructions” and “insulting the army.” Among the judges was one of his superiors against whom Adib had previously filed a complaint. According to *Avocats Sans Frontières* (ASF):

[Captain Adib] did not benefit from a fair trial. The trial ridiculed the presumption of innocence and the matter of impartiality and independence of the court was more than questionable. The court, rejecting all demands of the defence, avoided systematically that the debate broadened to include the liberty of expression within the army.⁵⁰⁵

What is surprising is that Moroccan human rights associations, having become very active in recent years, did not mention in their statements and reports the trial and the lack of liberty of expression within the army. The only criticism is coming from the international human rights organisation *Fédération Internationale des Droits de l'Homme* and the Belgian association *Avocats Sans Frontières*.

6.2.2 Co-optation

The Moroccan state has continued its strategy of co-opting key-members of the political opposition in order to weaken the potential for organised opposition. Rabea Naciri, for many years an activist for women's rights, was in charge of the organisation of the *ateliers de réflexion* within the ministry of co-operation. Her activities in the *Association Démocratique des Femmes Marocaines* and the *Maghreb Egalité - Collectif 1995* had given her credibility with many actors of civil society. Nevertheless, her approach to political change concerning the status of women illustrates that ‘the state's logic’ had influenced her thinking, even if street-action continues to inform her thought.

What happened after the demonstrations and the polemic, however, is that many women took over our demands and went

⁵⁰⁵ Quoted in *Le Journal Hebdomadaire*, 24 February – 3 March 2001. see also <http://www.asf.be>.

into their villages to spread the logic of our demands. For the women that is now Minister of Women affairs: there are many problems, as she is under the tutelage of a man. The Moudawana changes in 1993 were done during the vacations, for the new King, he has problems during the period of transition, he couldn't dare to put forward a tough line. For the Prime Minister, however, there are the considerations of elections. But with the literacy campaign is working well.⁵⁰⁶

The same applies to Omar Azziman, former president of the *Organisation Marocaine de Droits de l'Homme*, who became in November 1993 the first Minister of Human Rights. Between 1997 and 1998 he was the Minister of Justice, one of the appointments that are reserved to the King. Again this seems to be a classical case of co-optation. Socially respected persons who form alternative discourses and are holders of discursive power are allowed to approach the decision making centre. The result is the stabilisation of the system against the pressure for change that comes from the social forces that these individuals represent. The creation of a ministry that occupies the same terrain as the social groups that are promoting the case might as well be interpreted as taking the political case away from social actors. In order to win the ensuing competition between institutions and civil society, credible people are needed to run the institution that is supposed to take away the case from civil society. As he himself explains his reasons for accepting the post,

When I was asked to become the first Minister of Human Rights, I hesitated a lot. There were two possibilities: either this was a serious proposition, or this was just a means for co-opting actors of civil society. I took my decision thinking that there is a 50 percent possibility that the first possibility was the right one, and because this possibility existed, I had to accept. During my time at the Ministry of Human Rights, I think that we did good work, and we made some significant advances regarding the questions of torture and forced disappearances. Because of the progress that we did in the field of human rights, I think that I was asked to take over the Ministry of Justice, in order to continue with the reforms. Here, again, I asked myself the same question as before, and decided that my expertise was needed. I do not consider myself as a minister, but rather as someone in charge of a reform programme.⁵⁰⁷

⁵⁰⁶ Rabea Naciri, interview with the author, Rabat, 19 February 2001.

⁵⁰⁷ Omar Azziman, Interview with the author, Rabat, 9 April 2002

The institutionalisation of human rights as a subject in schools was made possible by Omar Azziman, and it was under Mohamed Aujjar, Minister of Human Rights, and also former member of the OMDH, that the documentation centre for human rights was established.⁵⁰⁸ In 1994, the Ministry of Human Rights and the German Friedrich-Ebert-Foundation organised a conference on civil society in North Africa. In Morocco, this activity has resulted in a positive evaluation of state-civil society co-operation in the area of human rights. Especially the *Organisation Marocaine des Droits de l'Homme* has increased its co-operation with the ministry: although being very anxious about its independence, in interviews this partnership - especially since the government of *alternance* - is described as positive.

6.2.3 Integration

The last institutional reaction of the state concerns 'integration.' Apart from the CCDH, which has been extensively covered elsewhere in this thesis, the women's rights issue provides another example of this strategy. A general comparison of the 1993 pressure and the pressure represented by the PIFD illustrates this changing strategy. As a state official of the Ministry charged with Women's Affairs recalls:

In 1994, [after the 1993 collection of 1 million signatures] the department charged with women's affairs was created and was supposed to establish a national report on the situation of women. After the conference in Beijing, this developed into a strategy for the integration of women, which was finalised on 8 March 1997. When we presented the report it was criticised because there was no transparency whatsoever about how the plan came into being. In February 1998 it was decided that a plan should be developed that should include the government departments concerned, the women associations of the political parties, the human rights associations, representatives of local development schemes, and academics. By consensus, it should develop a plan on a national level on the four themes that are considered urgent in Morocco: education, reproductive health, economic situation of women, and the judicial and political situation of women.

⁵⁰⁸ In Rabat Agdal, only 400 meters away from the OMDH's office.

Shaha Reeza from the World Bank asked four academics to organise four *ateliers* in the fields that were considered urgent: education, reproductive health, economy and judicial/political status. Rabea Naciri coordinated the four sectors, which were organised according to a *participative method*. Each expert contacted the government department concerned and NGOs to work as *participating partners*. Accordingly, given the input of the social actors concerned, the governmental *plan d'action* was the product of all *national components' concertation*.. The *ateliers de réflexion* guaranteed this *participative element*. Each expert organised such an *atelier de réflexion* in order to inform and to get more information about the measures proposed. On 19 March we presented the project to the vice president of the World Bank, and shortly afterwards, a ministerial commission presided by the Prime Minister was constituted for the integration of women in development. The Minister of Habous was part of this, and he had the right to ask questions and to say whatever he wanted. *Everybody* recognised the independence of women, the 'ulema, the Islamic movement, *everybody* agreed to the plan.⁵⁰⁹

What appears is that, in an attempt of creating a national consensus, organisations of civil society have become one of the primary foci of the administration. The fact that the department charged with the situation of women (later transformed into a ministry charged with questions of family, children, and the handicapped) was created in 1994 indicates that the state was responding to pressures from the women's movement. The collection of one million signatures the year before had had an effect. Interestingly, as the initial plan had been refused by NGOs in 1997 for its lack of transparency, an open plan was introduced in which the most important NGOs were asked to participate. This participative method, although certainly influenced by the World Bank, was accepted by the government, which formed the ministerial commission to put into practice the *Plan d'Action*. The keywords that appear are participation, concertation, partnership, and consensus. Continuing this strategy despite the social resistance to the *Plan d'Action* aspects of the plan are being put into practice in the north of Morocco in collaboration between the Ministry, the United Nations Development Programme, and women associations such as the *Association Démocratique des Femmes Marocaines*, the *Association Planification Familiale*, and the *Association Marocaine des Droits de la femme*.

⁵⁰⁹ Fatima Zine, interview with the author, Rabat, 27 February 2001, emphasis added.

In 2000, the strong reaction to the *Plan d'Action* caused a similar tactic. Under the pressure of mobilised social and political forces, the state resorted to the creation of a Royal commission, charged with the critical aspects of the reform of the *Moudawana*.⁵¹⁰ Interestingly, prior to this attempt at integration had been the state's attempt at integrating the women's rights discourse. There was no collection of signatures that pressed for demands or initiated the state's action. Instead, women NGOs had been invited to put forward their demands in *ateliers de réflexion*, so as to create a social base for new policies. This initiated a reform process from within the state. The problems that the state encountered resulted from the use of the theme of women's rights by highly politicised segments of Moroccan society, from within the state and from within society. The state's response, therefore, had been characterised by inertia. The delegation of the affair once again to a Royal commission illustrates how the choice of action has been severely limited. The state, therefore, has been pushed to form another integrating institution, this time, however, in order to postpone a decision on this central political issue.

A similar strategy of integration took place in the private sector, significantly *after* the CGEM gained significant independence and autonomy *from* the state. Since 1996, the state has engaged in reformulating the economic relations between workers and employers, thereby confirming the increasing significance of the private sector in the economy. This redefinition took the form of tripartite consultations. The main trade unions (CDT and UGTM), under the auspices of the state, were to discuss with CGEM the problems of minimum wages and layoffs. This was a search for solutions through dialogue, which avoided any attempts to resolve these economic questions through industrial action. In Morocco, industrial action had had a violent history.⁵¹¹ This also resembled in large parts a neo-corporatist strategy, which Lehmbruch and Schmitter had

⁵¹⁰ In 2003, the results are still not known.

⁵¹¹ The last major strike, that transformed itself quickly into rioting, rocked the city of Tangiers in June 1996, two months before the signing of the tripartite agreement. For a history see A Memouni: *Le Syndicalisme ouvrier au Maroc*, (Rabat: Edition Maghrébines, 1979).

analysed in North-Western Europe.⁵¹² It aimed at establishing a social dialogue in replacement of open class conflict.

In the Moroccan context, this neo-corporate strategy needs to be understood as resulting from the neo-liberal restructuring of the economy, with a consequent decrease in the public sector's activity. According to a 2000 World Bank report, private sector investment accounted for almost 70 percent of overall investment in the economy.⁵¹³ Considering the structure of urban unemployment, which reaches highest levels among university graduates⁵¹⁴ and taking into account the increasing force of the Unemployed Graduates Association, the monarchy could successfully shift the responsibility for creating employment onto the private sector representation. By doing so the state would assume the role of a mediator in Morocco's conflictual class relationships. Prior to this, the state's attempt to create a national consensus in order to defuse the explosive quality of the employment question had been manifested by the creation of the *Conseil National de la Jeunesse et de l'Avenir* (1991), and the *Conseil Consultatif du Suivi du Dialogue Social* (1994).⁵¹⁵

On 1 August 1996, the 'social dialogue' was officially born. It was signed by the *Confédération Générale des Entreprises du Maroc* (CGEM), by the representatives of the two trade unions *Confédération Démocratique du Travail* and the *Union Générale des Travailleurs Marocains*, and by the Interior Minister. It is another example of the restructuring of the Moroccan state's position vis-à-vis civil society. As Catusse remarks, far from transforming itself into a minimum state, the Moroccan state does not stop to control the modalities and the competences of each protagonists, conforming to the monarchy's traditional self-imagined role as arbiter between different conflicting forces, of

⁵¹² P.C. Schmitter and G. Lehmbruch : Patterns of Corporatist Policy-Making (London : Sage, 1982).

⁵¹³ The World Bank : World Bank Atlas 2000 (Washington, The World Bank, 2000), p. 51.

⁵¹⁴ See Royaume du Maroc, Ministère Chargé de la Prevision Economique et du Plan: Population & Développement au Maroc (Rabat, Centre d'études et de recherche démographiques, 1998).

⁵¹⁵ Whose activities, however, have been severely limited.

which the monarchy had all too often been the origin.⁵¹⁶ In the case of this tripartite agreement, however, it must be noted that the Moroccan state does not appear as an arbiter in a situation of social conflict but rather as a partner in a consensual situation of economic development. Semantically, conflicts are changed into concertation. The vice president of the employer's federation for instance expressed his satisfaction with the agreement because it would avoid future conflicts:

The tripartite accord constitutes a real and important advance in the processing of the social pact. ... It is undeniably an event without precedence in the social history of Morocco, because from now on one can say that negotiation and concerted action are the rule, and confrontation remains the exception.⁵¹⁷

The CGEM achieved its national recognition as an autonomous political player. This was, as explained before, the result of its opposition to the anti-corruption campaign. At the same time, however, the employer's federation as well as the trade unions were mobilised by the state to fill a new function in the creation of national consensus. The King's action defined the framework, in which the two partners were to find a non-conflictual approach, each defending their own interests. In fact, they were invited to find a common interest, supplanting the idea that their interests were, in one way or the other, opposing each other.

This consensual approach to politics has been the monarchy's main originality. The response of the employer's federation to this consensual, non-conflicting approach beyond class conflict has been the introduction of the slogan 'entreprise citoyenne.' This meant that companies held certain social and economic responsibilities vis-à-vis society. This partnership for the development of Morocco's economy has been founded on the premise that the Moroccan economy was to open up towards the exterior, and that all partners involved had an interest in negotiating and regulating their stakes in the process. Few advances

⁵¹⁶ Myriam Catusse: 'La recomposition des relations professionnelles au Maroc' in Monde Arabe Maghreb-Mashrek, Oct-Dec 1998, p. 21.

⁵¹⁷ La Vie Economique, 9 August 1996.

have been made in terms of real changes,⁵¹⁸ due in large part to the CGEM's opposition to increasing worker's rights on the grounds of flexibility.⁵¹⁹ Nevertheless, a certain 'pacification' of worker-employers relations has appeared, which stands in marked contrast to the violent clashes that trade unions and their members had experienced with the Moroccan régime from the 1970s to the 1990s. Even if this pacification is connected to a "sphere of public non-decision," as Catusse⁵²⁰ puts it, the close relationship of state, employer's federation, and trade unions has become another sign of the state's progressive involvement in the establishment of symbolic dialogues.

We find here a process of 'society's pacification,' the management of social conflicts, which is getting progressively, under the auspices and encouragement of the state, towards a 'sphere of public non-decision' where employers and employees are sent to face-to-face negotiations, all this within a framework marked by institutional construction and participation.⁵²¹

6.2.4 Summary Section Two

The three strategic ways of reacting to civil society's increasing activity in the public sphere all seem to create increasing space for individual's political activity. Even the state's attempt at setting the boundary of permissible behaviour *defines* the amount of freedom, within which public critique becomes possible. For instance, it has become possible to indirectly criticise the monarchy's role to guarantee the Islamic character of the state.⁵²² Through the definition of boundaries and public engagement in defending them,⁵²³ the state defines the rules and gives them a meaning, which is consequently adhered to by the public itself. Essentially, it can be argued that the state's responses reflect the

⁵¹⁸ Legislation of working conditions (*code du travail*), reform of the social security system (*caisse national de sécurité sociale*)

⁵¹⁹ For other reasons see Catusse, 1998, op.cit. p. 33

⁵²⁰ Catusse, 1998, op.cit. p. 34/35.

⁵²¹ Ibid.

⁵²² Driss Kettani: 'La seule autorité religieuse, c'est nous' Interview with Driss Kettani in *Maroc Hebdo International*, No. 433, 26 October – 1 November 2001.

⁵²³ See the King's interview in *Le Figaro*, 4 September 2001.

conflicts that do already exist in society. The state can restrict the freedom of expression precisely because the freedom of expression is not considered a value in itself. The recent lack of support for journalists and human rights activists, when they were subject to boundary setting measures, illustrates this. This contrasted with earlier signs of popular support for Berber militants and journalists, when they had been sanctioned despite having displayed only limited criticism. This gives an important measurement concerning one of the central aspects of this thesis, that of the continuing existence of power relations. These, it seems, still prevent the existence of a full public sphere in Habermas's sense, and grants the state the possibility to use this method of control.

Co-optation and integration, however, give rise to a particular discourse's influence on the state level. In fact, through engaging in these issues through integrating and co-opting measures - not to speak of direct adoption of discourses - the state gives these ideas access to the legal and administrative means necessary to realise certain demands. This is the element of political change that becomes visible for many activists and observers, but it is limited through their strategic and self-limited character: central features of the state are not supposed to change, and are not subject to public scrutiny, challenges, or even discussion. Bearing in mind the question of changing the *Moudawana*, but also the institutionalisation of social dialogue between the CGEM and the labour unions, it needs to be remembered that this access does not guarantee the actual implementation of a particular reform programme. In the case of human rights, however, a certain movement was made possible within the areas that were defined by the state. Social actors recognition of this progress highlighted the state's capacity to successfully adopt the language of human rights.

6.3 Chapter Six Summary: Discourse and Political Change

Despite all the limitations, these reactions of the state illustrate the power of the public sphere over the formulation of public policy.

- (1) The introduction of 'human rights and citizenship' as lessons in schools;
- (2) The open and public conflict around the *Plan d'Intégration de la Femme au Développement*;
- (3) The relative success of the human rights issue;
- (4) The initiative of Mohamed VI in the creation of an Institute for Berber Affairs.

All these cases serve as examples in which public pressure in certain historical circumstances, combined with power that Habermas has called the 'power of the better argument', has touched the highest level of the state. In all four cases, the state has reacted in ways to defuse and thereby change the power of this 'rationality,' but by doing so, the state accepted the logic with which the particular discourse had been operating.

- (1) This meant that citizenship, even if it includes the duty to follow the laws, also includes the right to free expression and self-respect.
- (2) It also meant that changing the Family Code, *Moudawana*, had clear advocates in the government, and will continue to occupy the Moroccan state.
- (3) This further meant that the principle of indemnification and the acknowledgement of the state's responsibility in human rights violations,⁵²⁴ even if not originally intended by the creation of the CCDH, were outcomes of discussions that had been marked by face-to-face talks. The CCDH, even though it was regulated in a way to be loyal, was not supposed to be a mouthpiece of the government, from which resulted the absence of direct power relationships (despite the Minister of Interior's place in the council).

- (4) The creation of a Berber Institute acknowledges the fact that in Moroccan socio-economic development, Amazighity had been neglected. The teaching of *tamazight* at schools, the foundation of a Berber TV channel, and slowly the constitutional recognition of *tamazight* as an official language (although this might be called a 'national' language), all of this might well be the outcome of the politics of Berberism in Morocco in the near future. In a way, with the increasing semantical recognition by the Moroccan monarch himself of the Berber identity, the authorities become bound by a logic that derives from these Royal discourses and interviews.

However, the state's input in the public sphere caused the appearance of a peculiar feature whenever the state considered the repression of contenders to its authority. This central feature is the idea that 'nobody is beyond the law,' which has become the Moroccan state's interpretation of the Rule of Law. The banning of the Berber public assembly in Boutezikna was so justified⁵²⁵ as were the legal actions against Captain Adib⁵²⁶ and the newspapers *Le Journal* and *Demain*,⁵²⁷ or the violent dispersion of unauthorised public demonstrations. The question of limiting public liberties is viewed through a different prism, in which the law needs to be respected. This interpretation assumes - to a certain extent - an uncritical public, which accepts the paternalistic connotation of the rules of society, 'ethical life' as defined by the state. Even the King has used this argument in his threats to the newspaper scene. It is remarkable that even the former president of the OMDH, Omar Azziman, confirmed the importance and validity of the law in the reform process. Those citizens, journalists, Berber activists, and military officers that are law-abiding and 'reponsible' have become new ideal-types that have resulted from the state's interference in the public sphere.

⁵²⁴ On the 20 August 1999, Mohamed VI himself acknowledged the existence of forced disappearances, something that Hassan II had never admitted.

⁵²⁵ André Azoulay, Economic and Diplomatic Advisor to the King, interview with the author, Rabat, 30 May 2002.

⁵²⁶ Omar Azziman, Minister of Justice, interview with the author, Rabat, 9 April 2002.

⁵²⁷ Ibid.

These new techniques of power are beyond direct repression, and they contribute to the system's stability. It is considered here the new basis of the state's hegemony. In the new press code (March 2002), the sanctity of monarchy, army, and territorial integrity was maintained. It was even introduced and defended by Omar Azziman. At the same time, the effective authorisation of associations has undergone a reform. The 'receipt' of the *déclaration préalable* has to be sent to the association at the very latest two months after the submission of the declaration. A preliminary receipt is supposed to be given to the association directly upon submission. The problem in Morocco, however, being the actual application of laws, it remains to be seen if this will in fact change the behaviour of the tenants of power in the administration.

Together, these features account for what Mohamed VI called in his Royal discourse of 12 October 1999 the *New Concept of Authority*. He has not ceased to mention this new concept in his Royal speeches⁵²⁸ and he has given it different meanings at different times (relationship administration - citizens, reform of the election code, Berber culture, the responsibility of regional governors, *walis*, for investment). This new concept was originally based on "the protection of public services, local affairs, individual and collective liberties, on the preservation of security and stability, the management of local concerns and the maintenance of social peace."⁵²⁹ Within the authorities the King wished to find that "the responsibility of administrative offices will no longer be assumed. [To be responsible, the administration] must stay open to citizens, and [officials] must be in contact with them. Citizens' problems must be treated on the ground, and citizens must participate in the search for appropriate solutions."⁵³⁰ This was interpreted by the Moroccan intellectual élite as signifying increasing political opening, accessibility of the administration, legality and rule of law, and finally partnership.⁵³¹ The OMDH, however, remarks on 26 February 2000

⁵²⁸ See speeches on 12 October 1999; 29 October 1999; 30 July 2001; 12 October 2001; 17 October 2001; 19 January 2002.

⁵²⁹ Royal Speech, 12 October 1999.

⁵³⁰ Ibid.

⁵³¹ See for instance Azzedine Bennis: 'A propos du nouveau concept de l'autorité' in *Alternatives* No. 6, January 2000.

During the last months of the year, no concrete measure was taken to put into practice the Royal speech of 12 October. The OMDH has emphasised a number of violations, which again resulted from a repressive conception of authority. It has demanded the public authorities an exercise of power that is compatible with the respect of fundamental rights and liberties. It has proposed to the principal officials in the Minister of the Interior to hold a meeting to start a dialogue concerning this subject. On the 31 December the organisation has not received any response.⁵³²

The independent press has been asking itself many times, what this new concept was meant to signify,⁵³³ but interestingly, the replacement of the Minister of the Interior, Ahmed Midaoui, in September 2001 was interpreted as resulting from his reluctance to embrace the full significance of this new philosophy.⁵³⁴ Shortly afterwards, the violent repression of a manifestation of unemployed graduates in Smara, on the 17 November 2001, continued to cast doubts over the state's willingness to embrace a new definition of authority as the monarch's speeches want Moroccans to believe.⁵³⁵

Nevertheless, it was given a certain meaning in the Prime Minister's administrative circular from 5 November 1999 on the application of legislation relating to public liberties and associations of civil society. The four principal orientations that this circular recommended were:

It considers associations, regardless of their nature, a necessary partner of the state.

It advises Ministers and Secretaries of State to adopt a positive attitude concerning association's demands to use public halls.

It reminds that internal activities of associations, trade unions, political parties, as well as cultural activities in the area of arts, sports, or welfare are not subject to a preceding declaration.

⁵³² OMDH: 'Rapport sur la Situation des Droits de l'Homme au Maroc, 1999', (Rabat: unpublished document 2000) p. 34.

⁵³³ For instance *Le Journal Hebdomadaire*, 16-22 June 2001, also OMDH: OMDH: 'Où en est la mise en oeuvre du nouveau concept de l'autorité,' Rabat, 26 February 2000.

⁵³⁴ *L'Economiste*, 20 September 2001.

⁵³⁵ OMDH: 'Rapport de l'OMDH sur les événements survenus à Smara le 17 novembre 2001.' (Rabat: unpublished Document, January 2002).

It emphasises the positive attitude that the administration should adopt concerning declarations that are concerned with the exercise of public liberties.⁵³⁶

This illustrates that the New Concept of Authority is given the significance of a state-civil society partnership, in which the margins of public liberties, despite all the restrictions discussed above, are slowly increasing. It finds its limits in the perceived threat of anarchy, which is considered to lurk everywhere. Mohamed VI's definition of freedom illustrates this:

But what is freedom? For me, it is the respect of others and the respect of the law. Freedom is not anarchy. Critique must be constructive, and must not be denunciation. Freedom of press does not mean to write whatever one wishes about whomever. One must write with respect to the facts, even if they are less exciting than the fantasies of those, who choose to criticise for the sake of criticising. But in Morocco, as elsewhere, the stubborn facts impose their own sanctions on those who want to ignore them.⁵³⁷

⁵³⁶ Cited in OMDH: 'Rapport sur la Situation des Droits de l'Homme au Maroc, 1999,' (Rabat: unpublished document, 2000) p. 14.

⁵³⁷ Interview in *Le Figaro*, 4 September 2001.

CHAPTER SEVEN: SUMMARY AND CONCLUSION - CIVIL SOCIETY, HEGEMONY AND THE PUBLIC SPHERE IN MOROCCO

After having referred to the empirical changes that happened in the civil society - state relationship in terms of Morocco's public sphere, it is the objective of this chapter to relate this development with the argument that I have formulated in the beginning of Chapter One. First of all, in the first section, I will briefly summarise the findings of each individual chapter in order to provide the basis for the conclusion of this thesis.

In the second section, I will conclude by referring to the theoretical issues of Chapter One. First, I will elaborate on the effects that power relations have on a developing public sphere and suggest a certain convergence between these power relations and the public sphere's fragmentation. I do this in order to illustrate the importance of linking the public sphere to the issue of the state's hegemony, and in order to account for the interrelation of state and civil society. In a second step, I will show that it is not appropriate to view state-civil society relations in Morocco within dichotomy or integrative models. Instead, it will be argued, that it is the structuring of the public sphere, which shapes the possibility of 'new' groups of civil society to commit themselves to national issues. This structuring is considered to condition the possibility of the state to increase its hegemony. Therefore, the original research question whether 'new' groups of civil society constitute a factor of political change, will be answered with reference to the changing hegemony of the state, which is, indeed, the outcome of these groups' participation in agenda setting discourses.

The third section of this chapter will discuss further research suggestions that result from the outcome of this study.

7.1 Section One: Chapter Summaries

This thesis set out to illustrate how an active civil society and a political public sphere can challenge the state's hegemony. In the first chapter, I established the theoretical concepts on which I am basing this thesis, notably the concepts of 'civil society as opposition to the state' and/or 'civil society as an intermediary'. It was argued that understanding civil society in terms of public sphere provides an alternative to these more common understandings of civil society. In theoretical terms, I considered the public sphere as being a focus area from which to analyse both the state's and civil society's role and involvement in discourses. It has been argued that this allowed a means of measurement of organisations of civil society in playing a supportive role in political change. Furthermore, it was argued that 'new' organisations of civil society, characterised by less and less structuring according to dominant modes of power (political parties, monarchy), became a new type of organisation of civil society, which subsequently have been the focus of this thesis.

In Chapter Two, the literature survey illustrated that research on civil society in Morocco had so far reproduced a dichotomy view, which hindered, in my opinion, an understanding of state and civil society as being connected by a developing public sphere. It has been argued that this was essentially due to research having been conducted very early and in response to a developing civil society, which reflected an increasing research interest in this topic as well as a corresponding early activity of those 'new' organisations of civil society.

Through the use of various historical examples in Chapter Three, it was subsequently shown that in pre- and post-colonial Morocco, groups of civil society were structured by dominant modes of power, and that the public sphere was deficient in that it could not articulate and transform social demands into public issues. The examples of religious challengers to the ruler of Morocco illustrated that it was the discourse of the 'righteous-man-of-god who defies an unjust Sultan,' which posed certain limitations on traditional Moroccan rulers, but that the '*ulema*' as an institution, essentially because of the absence of a

notion of a *public*, was unable to provide for the basis for a public sphere. It has been argued that the political developments after independence also illustrated the inability of organisations of civil society to resist power relations, which were structured through inter-élite conflicts and neo-patrimonial rule. It was then suggested that the public sphere was not clearly developed either, as power relations were omnipresent and shaped particular organisations' activities.

Chapter Four examined the changes that happened in the strategies of 'new' organisations of civil society in the mid-1980s until 1993. These organisations started to challenge old ties to power relations. It has been argued that the main novelty was that they focused on certain single-issues that left directly political questions outside of their activity. Furthermore, Chapter Four illustrated that it was this central feature that allowed these 'new' organisations of civil society to start shaping public discourses in the public sphere, despite their individual issues being 'classified' as politically, socially, or culturally 'sensitive'. It has been pointed out that this created a milieu of private citizens committed to public issues, which increased the public sphere's autonomy from power structures. As this had the effect of weakening the state's hegemony, it has been argued that the state sought to re-establish its hegemony through interacting in the discourse.

Chapter Five examined more the recent developments of this civil society – state interaction in the 1990s. It has been illustrated that various groups of civil society reacted towards the initial engagement in the public sphere as had been examined in Chapter Four. However, it has been pointed out that they displayed features specific to their particular field of action, and I identified a variety of strategies from 'self-limitation', 'increasing criticism', 'power-seeking' or 'transformation' that these other sectors employed. Moreover, it was illustrated that one of the engines for mobilisation or autonomisation had been public conflicts, which had been pursued by these 'new' organisations of civil society. It has also been pointed out that this was accompanied by a diminishing 'moral' integrity of the state. This had the effect of these organisations' being able to more effectively intervene in the public sphere, which was increasingly accompanied by journalists pushing for more public freedom and critical journalism. At the same time, however, the state's hegemony had increasingly

been put into question through this participation: First, these discourses illustrated the existence of social groups that felt misrepresented and marginalized by the state. Second, the lack of ‘attraction’ of classes allied to the state was articulated. Third, in the public sphere, the existence of ‘self-limited’ discourses (compared with the former absence of them) questioned the ability of the state to provide political solutions to real-existing social realities.

Focusing on the reactions of the state to the latest wave of increasing independence in the public sphere, Chapter Six examined the state’s consequent direct engagement in the public sphere, as well as three distinctive strategies: boundary setting, integration and co-optation. It has been argued that the state’s engagement in the public sphere, and its attempts at redefining critical parts of discourses, had been shaped and conditioned by one central factor: a discourse being homogeneous or conflicting/heterogeneous. It has also been illustrated that the state’s engagement in the definition or integration of discourses had resulted in the state’s adoption of some of the key-issues that had been involved. These were, for example, the question of ‘political prisoners and disappearances’ in the human rights discourse, changing the Family Code, *Moudawana*, in the women’s rights discourse, as well as the status of the Berber language *tamazigh*. Although the exact meaning of the latter two issues has not been resolved yet, the creation of advisory councils that deal with these issues points out that key-issues are continuously dealt with at the highest sphere of the state. The new King’s introduction of a New Concept of Authority epitomised this cautious reaction of the state to the increasing importance of the public sphere, and its attempts, through a state-led discourse about a new role of the administration, to attract this new class of citizens to the Moroccan state.

7.2 Section Two: Theoretical Considerations and Conclusion

7.2.1 The preponderance of power relations in the structure of the public sphere and the public sphere's fragmentation

The analysis of 'new' groups of civil society has illustrated that their action was embedded into the general political framework of appeasement between the opposition political parties and the monarchy. The development of this space between the state and society showed that a close association to existing power structures gave way to increasing independence, which started in the mid-1980s. This independence reinforced their 'neutral' and 'limited' character, and their successes in rallying public support for civil rights issues. This can be called a phase of disentanglement between prevailing power structures and groups of civil society. In what follows I suggest the utility of viewing this crucial instance of the development of civil society as indigenous to the interconnectedness of political power with groups of civil society.

First of all, the effect of power structures on 'single issue' organisations needs to be explained. From the case studies analysed, it follows that associations' critical engagement in public issues had been inhibited, in so far as the 'political logic' of a certain political structure dominated the 'logic' of a particular single issue. Berber, human rights, and women's rights had not been represented and protected because they had been used in the political conflict between contestors of state legitimacy and the political élite. To a certain extent, the religious issue is an exception. Here, the most remarkable feature was the monopolisation of the religious discourse by the state, and not so much the 'political logic' of political formations. This did not impair on the religious dimension of public life, but it had the effect of amplifying existing contradiction between a modern state form and a traditional religious discourse. Hence, although it aimed at representing religious interests, it had triggered alternative.

independent associations, whose objective had been to remain independent from existing power relations.⁵³⁸

At a more theoretical level, political intervention took a form reminiscent of Habermas's description of state intervention in the capitalist economy. In order to maintain social and political stability, i.e. the maintenance of the status quo, politics took on a 'negative character' and was oriented towards the avoidance of risks and the eradication of dangers to the system: "not, in other words, towards the *realization of practical goals* but towards the *solution of technical problems*"⁵³⁹ Associations' first push for greater autonomy reflected their attempt to overcome the sphere of 'technical problems' (which are women's illiteracy, constitutional rearrangements, international declarations, rural development, public enforcement of fasting during Ramadan) and their search for the realisation of practical goals. This has been the reason why some authors have seen Morocco as an example where identity politics started to play a major role.⁵⁴⁰ It is, however, more than identity that is at stake, but the drawing of demarcation lines between different kinds of politics. To borrow Habermas's terminology, the influence of 'administrative power' and 'instrumental reason' had 'colonised' the free expression of private interests in the public sphere and "the realm of symbolic interaction."⁵⁴¹ In line with Habermas's 'optimism', however, the disentanglement is a reflection of knowledge, self-reflection, and an "emancipatory cognitive interest, which aims at the pursuit of reflection."⁵⁴² It therefore allows for the creation and invention of alternative organisational forms.

⁵³⁸ In this respect, contrary to Armando Salvatore contention that the image of 'Islam in movement' represented the antithesis of the persuasive strength of a public discourse that appeals to citizens' rationality and judgement, the Islamic movement shared features with Habermas model of public sphere as "the epitome of Western political modernity." See Armando Salvatore: Islam and the Political Discourse of Modernity (Reading: Ithaca Press, 1997), p. xv.

⁵³⁹ Jürgen Habermas: Towards a Rational Society, transl. by J. Shapiro, (London: Heinemann, 1971), pp. 102-3

⁵⁴⁰ Bruce Maddy Weitzman: 'Contested Identities: Berbers, 'Berberism' and the State in North Africa' in The Journal of North African Studies, Vol. 6, No. 3, Autumn 2001.

⁵⁴¹ David Held: Introduction to Critical Theory. Horkheimer to Habermas. (Cambridge and Oxford: Polity Press, 1990), p. 265.

⁵⁴² Jürgen Habermas: Knowledge and Human Interests. (London: Heinemann, 1971) pp. 197-198.

Certainly, this is one aspect of ‘modernising’ features, which Morocco’s society illustrates in abundance. The rise of ‘the political’ and the state’s and the political parties’ intervention in organisations of civil society have been part and parcel of this project of modernity, as has been the increasing accumulation of knowledge and self-reflection on the part of non-state actors. As the development of disentanglement illustrates, the one-sided nature of power, therefore, changed and since the early 1990s, it is possible to view power within the parameters of ‘administrative power’ and ‘communicative power.’ As illustrated in Chapter One of this thesis, this is the heart of Habermas’s legal theory of state-civil society interaction.

In the conclusion to the state’s engagement in the public sphere (Chapter Six), I mentioned that the state’s successful definition of boundaries, and some parts of the public spheres’ open approval of these measures, illustrated the continuing existence of power relations. It is an indication of the lack of unity, and therefore the lack of ‘communicative reason’ that might be expressed here. It constitutes the basis for the state’s strength concerning so-called ‘sensitive’ matters. This being the case, it needs to be taken into account that particular discourses, far from being expressions of a common ‘people’s will’, have polarising tendencies, and are not universally agreed upon. They depend on the structural differences that exist in societies, which are greater in countries of rapid and unequal socio-economic and cultural development than elsewhere. In this context, ‘communicative power’ understood as a ‘scarce good,’ which is needed by state administrators, and which is only available through civil society’s engagement in the public sphere,⁵⁴³ poses a special problem for the state, as it does not exist in a ‘pure’ and ‘easily identifiable’ form. It is, in itself, subject to struggles and challenges, and the state engages in them, though it is holding the means to realise the political goals of contestants. Therefore, the continuation of the existence of power relations needs to be understood as a result of one particular feature of the public sphere, which is the division of certain discourses. The unit of analysis needs to be changed from the nation-state

to the particular subplots, where discourses and communicative rationality, are constituted. With the central administrative power, however, remaining within the boundaries of the nation-state and, as Tripp illustrates, the state as an 'imagined community' continues to be stronger than ever, the apparent division of discourses is bound to continue.⁵⁴⁴

Therefore, the case of Morocco illustrates the importance of linking hegemony to the public sphere. The active attraction of allied segments of society with the state and its policies (and the marginalisation of other segments) has at its basis those discursive divisions that I have identified above. What is important, however, is to understand that the public sphere and its divisions are constantly evolving and not subject to direct state control. Because of the linkage between hegemony and the expressions in the public sphere, changes that happen through new actors' becoming active and engaging in agenda setting discourses, had important repercussions on the state's hegemony. In the examples discussed in the previous two chapters, there had always been allied segments of society, whose positions seemed to be threatened (culturally, economically, or politically) by these new non-state actors. This illustrates that the state's hegemony is threatened through the simple activity of new groups and consequently, these activities were considered as 'sensitive' (Berber and women's rights), 'subversive' (human rights and Islamic groups) or 'disloyal' (business groups). However, as the 'allied' classes are also subject to changes, the state's handling of these issues changes as well.

In a next step, the state may engage in the discourse without necessarily changing its contents. This needs explanation, and it is suggested here that this, again, needs to be understood as an attempt to bolster the state's hegemony in civil society. Habermas's argument, despite overlooking contradictory features, gives two reasons why this happens: First of all, the state takes on board the 'communicative rationality' expressed in the public sphere in order to increase

⁵⁴³ Jürgen Habermas: Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy. Translated by William Rehg (Cambridge MA, The MIT Press, 1996), Chapter 8.

⁵⁴⁴ Charles Tripp: 'States, Elites and the 'Management of Change'' in Hassan Hakimian and Ziba Moshaver: The State and Global Change (Richmond: Surrey, Curzon Press, 2001).

its legitimacy vis-à-vis this particular clientele. Applied to Morocco, this means that the state takes on board the rationality expressed through women's rights, human rights and even Berber rights, in order to relegitimise in these areas or compensate for a loss of legitimacy elsewhere (unemployment, urban unrest, traditionalism). All of this expressed itself in a political situation that was marked by major uncertainties (*alternance*, economic crisis, succession) and by the new expression of these civil rights. One could say that 'communicative rationality,' became a new possible resource for increasing or consolidating the state's legitimacy. Second, and following the first step, when the state engaged in and committed itself to the public sphere, it had to abide to the rules that were established through linguistic encounters. These are, according to Habermas, the principles of free and egalitarian values, which determine the power of particular arguments in a *public* situation. Hence, instead of changing the discourse or giving it a patrimonial, authoritarian meaning, the state is opening itself to the logic of particular discourses, without reacting by forcefully determining its contents. Applied to Morocco, I have illustrated that the problem had been the absence of an identifiable discourse, and therefore the absence of a well expressed 'communicative rationality.' Nevertheless, in cases where unanimity existed (human rights), the state's engagement in discourses was unable to change the 'sensitive' areas (e.g. in the CCDH, the CCDH's reform to conform to the Paris principles for National Institutions). It is only when the unanimity is 'broken' (that is human rights groups disagreement over actions and attitudes to adopt) that the state's potential at defining the contents reappear. On the other hand, in areas where unanimity was far from being established, the definition of discourses has either been impossible or delayed. In the case of women's rights, the state found itself in a difficult situation, as it aimed at engaging in the discourse, thereby increasing the 'allied classes' attraction to the state, whilst alienating already 'allied classes' within the state itself. This illustrates the nature of hegemony in Morocco, which is based on a complicated combination of hegemonic and counter-hegemonic classes that may partly correspond to universal models of 'traditionalism and modernity.'⁵⁴⁵

⁵⁴⁵ Entelis increases the cultural strands to four: monarchical, modernist, militarist, and messianic. See John P. Entelis: Culture and Counterculture in Moroccan politics (Boulder: Westview Press, 1989). Chapter One.

7.2.2 *The representation of Morocco's civil society: Dichotomy vs. Integrative Models*

This analysis of civil society has illustrated that although 'new' groups of civil society have oppositional characteristics, apart from a few exceptions they are by no means 'in opposition' to the state. In fact, as most of them, though not all of them, display 'self-limiting' features, it is no longer the relation to the state which characterises their action or which motivates their commitment, but rather their commitment to the issue itself. At the same time, paradoxically, some of the groups display opposition characters, whereas others tend more towards integration. This means that as a general model, the empirical material available suggests that neither dichotomy nor integrative models, are suitable for a valid representation of Morocco's civil society. In consequence, as general models, both need to be discarded.

As I attempted to show, the importance of the public sphere is that it is less a *relational* concept between the state and civil society, and much more based on discursive interaction, which might take many different forms. The advantage is that a certain opposition and critique is one feature of this discursive interaction, however, it is not its sole feature. The contention that civil society is related to democratisation becomes a matter worthy of empirical investigation. A focus on the public sphere allows external observers to view the lack of real democratic challenges not as a lack of civil society's activity, but rather as a special feature of its activity. In fact, it was exactly the lack of opposition to the state that had been noted as one of the main features of civil society (see Chapter Four). Consequently, the lack of 'democratic opposition' stemmed from the non-system challenging aspects of these groups' demands. Without wanting to take one central feature of civil society as the very reason for its playing a system-stabilising factor in a political situation still regarded as 'transitional,' its potential to push for transitions, which I still contend, needs to be explained using different parameters. In other words, the force for political change cannot be explained from features that civil society displays, but rather from

autonomous rules that exist in developing public spheres, which these actors help establish.

7.2.3 *The New Rules of the Public Sphere and the State's Hegemony*

The case studies illustrated the establishment of these new rules in the public sphere. The first one refers to the logic of change, which has been formulated by associations such as *Alternatives*, displayed by the actions of the anti-corruption association *Transparency Maroc*, and demanded by the CGEM in its demands for the 'economic rule of law.' As long as these demands, political as they are, are directed at others outside the centralisation of power around the monarchy, the centre is reinforced and allows the criticism, improving its modern and democratic image at the same time. When key actors in the state decided to change alliance-building groups, the state at times even committed itself to 'partnership building measures.' This became a possible option because discourses were connected to organised groups of civil society. In Morocco, the state created working groups for employer-worker conflicts, human rights, unemployment, corruption, women's rights and Berber rights. At this point, however, the discourse and its existence in the public sphere were recognised. Consequently, it became less and less possible to suppress the discourse, because this would have caused widespread resistance against the state. At this point, civil society and the public sphere were already politicised enough to resist direct interference. The protest movements against the state's arrest of Berber militants in 1994 and Idriss Kaitouni in 1989 serve as examples. As I said before, a demarcation line between 'communicative power' and 'administrative power' developed, and activities in the public spheres, similar to Habermas's theoretical framework,⁵⁴⁶ aimed at defending the public sphere's values, based as they are, on equal participation and liberty. Consequently, with less direct intervention in the public sphere becoming possible, the demands for changes achieved, as a discourse, a life in its own right. As mentioned before, the state could only engage in the modalities of the changes, not in the question of whether changes

⁵⁴⁶ Jürgen Habermas: Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy Translated by William Rehg (Cambridge, MA, The MIT Press, 1996), p. 370. Arato

were necessary or not. At this point, the hegemony of the state undergoes a crucial change. The successful adoption of new socio-political values challenges the basis of older policies, and questions the relevance of older discourses.

7.2.4 The state's new basis of hegemony

In this situation, the Moroccan state looked for a new discursive basis for its hegemony. Human rights, citizenship, and King Mohamed VI's invention of a New Concept of Authority are all signs of a new discursive basis, beyond King Hassan II's use of religion and his classic policies in favour of rural notables. As illustrated, in the search for a new basis for the state's hegemony the state attempted to commit itself to women's rights, but had to withdraw its support and change its approach due to well expressed and well organised resistance. Nevertheless, women's groups still seem to be high on the priority list of Royal preoccupation, and therefore the target group of discursive appeasement, as the recent introduction of a quota system for female parliamentary deputies illustrates. As with the Institute for Berber affairs, these are all measures that do not change the essential nature of the state's power, but aim at comforting certain key-groups. In Morocco, this has created an atmosphere and a discursive reality of change, where the centralisation of political power has not changed.

From a scholarly viewpoint, the crux of the matter for a discursive establishment of the state's hegemony is located in the practice of newspaper journalists. As illustrated in this thesis, there is a certain defensive movement towards greater autonomy in the media, which is camouflaged by professional apoliticism and an interest in developing the profession. Nevertheless, the lack of liberal structures of information gathering and discussion leads to the copying of information and articles written elsewhere in the Moroccan press. According to a recent study, 70 percent of all journalists have difficulties in obtaining access to information.⁵⁴⁷ As the president of the journalists' union put it: "In Morocco, information is sacred. If a train is late and you want to inquire the reason, you

and Cohen: *Civil Society and Political Theory* (London and Cambridge, MA, The MIT Press, 1992), pp. 523-532.

will be transferred from one responsible individual to the other, and nobody will ever tell you the reason. Even if it is only a train.”⁵⁴⁸ The lack of editorial boards, in which decisions and editorials are discussed openly among journalists, has degraded the intellectual level of the profession. Especially in segments of the media that are still state-controlled, journalists have the status of bureaucrats. In a communication model, all this means that due to the lack of information, power-relations, which have already been established in those state-controlled media with special access to information, are constantly replicated. Nevertheless, the efforts that had been undertaken by the press and notably the SNPM, despite the setbacks explained with regard to the fate of *Le Journal*, point towards an increased autonomisation. It can be assumed that the disentanglement of press and political parties will continue as long as the so-called ‘democratic’ parties hold government positions. In the meantime, the power relations that structure the media are crucial for the hegemonic presence of the state in Morocco’s public sphere.

7.2.5 Civil Society and Political Change

Morocco has achieved the re-establishment of the state’s, the monarchy’s, and the *makhzen*’s hegemony through an engagement in the language of change. As I have illustrated in this thesis from the beginning, the language used by groups of civil society had been to a large extent ‘self-limited.’ It had been part of their *raison d’être* to claim independence from political organisations, and to concentrate on the particular issue that they were promoting. Consequently, even when the issue had a political character, the state reacted ‘positively’ and did not view them as threatening. To the contrary, it aimed at establishing partnerships, and adopted certain aspects of the discourses that were initiated by these new groups of civil society. This had the consequence of establishing a public sphere, which in turn, criticised the continuing existence of neo-patrimonial practices *outside* the central exercise of political power. This helped broaden the agenda of national discussion, to which the state had to respond. This initial process

⁵⁴⁷ Mohamed Said and Youness M’jahid: *Le Metier de Journaliste au Maroc. Etude Quantitative*. (Rabat: Friedrich Ebert Stiftung, 2000).

⁵⁴⁸ Younès Moujahid, Interview with the Author, Rabat, 2 March 2002.

accounted for the appearance of political change in a sphere that was analytically different from the sphere where the monarchy discussed the country's political future with the so-called 'opposition' parties. Political change, therefore, seemed to be achieved, but not at the level that an 'opposition to the state' might have wanted to. All parts of the state had emerged strengthened and reinforced, and divisions within the public can be - willingly or unwillingly - discursively exploited. As I have illustrated, the use of the state's monopoly over the legitimate use of violence was marked by both its selectiveness and by part of the public's support for these measures. Therefore, even here, the state's policies are far from aloof from discourses that are initiated in Morocco's civil society. To the contrary, they reflect them and take them into account. At the same time, as explained in the previous sub-section, the structuring of Morocco's public sphere had reinforced the pre-eminence of the state, and had the effect of perpetuating the state's ability to change its discursive hegemony whenever the political situation commanded it.

Therefore, all of this shows that "the mere existence of so much informal political and economic activity does not suggest, *per se*, the presence of the kind of vibrant civil society which could be used to challenge the very existence of current Middle Eastern regimes, as it is said to have done in Eastern Europe at the end of the communist era."⁵⁴⁹ The parameters, within which political change was possible, depended on the prior structuring of the public sphere. Nevertheless, the public sphere as a sphere where increasingly private citizens engage in public issues is constantly evolving. In the long run, this might have 'positive' effects concerning 'democratic governance,'⁵⁵⁰ despite the fact that the general political framework for liberal democracy seems as far away as ever.

⁵⁴⁹Roger Owen: 'The Middle Eastern State: Repositioning not Retreat?' in Hassan Hakimian and Ziba Moshaver: The State and Global Change (Richmond: Surrey, Curzon Press, 2001), p. 245.

7.3 Section Three: Further Research

In the Middle East and North Africa (MENA) region, the role and significance of public spheres have not been subject to research. This may be explained with reference to the relatively young history of many of these states as well as the dominance, in domestic affairs, of institutions such as political parties, monarchies and religion. In recent times, however, the increasing activities of 'new' organisations of civil society in many of these states point to the lack of a systematic discussion about the nature of these groups and their relations to the dominant institutions in particular countries. An assumed linear relationship between civil society and democracy, and a certain wish to see Eastern Europe's experience in democratising repeating itself in the MENA region, may be the reasons for this.

As a consequence, further research should focus more on the role that particular forms of public spheres and civil societies have assumed under different historical circumstances. A global distinction, as used in this thesis, between 'new' and 'old' organisations of civil society, may be a useful one, in historical as well as in contemporary studies. In particular, the form that particular discourses took in particular public spheres, should be subject to more historical research, in order to increase our understanding concerning issues related to governance in these countries. In this respect, this thesis's use of secondary literature in Chapter Three can only be considered a beginning, and it would be both desirable and useful to increase our knowledge of how, historically, discourses were or were not embedded in particular power relations.

Apart from this, a comparative analysis with other MENA states, although highly problematic for reasons related to methodology, would also enhance our understanding of how political decisions and political processes work in this region. Questions such as whether there are distinct features that allow speaking of similar mechanisms, could clarify whether there is anything specifically 'Arab

⁵⁵⁰ Which is, as Foley and Edwards well put it, the 'Civil Society I' argument in contrast to 'Civil Society II.' See Michael W. Foley and Bob Edwards: 'The Paradox of Civil Society' in *Journal of Democracy* Vol. 7, No. 3, July 1996.

post-colonial,' 'Islamic' or regional MENA about how these polities work. Equipped with more knowledge about these public spheres, political scientists of the region would also be able to communicate with their fellow political scientists about the general theories and models to be applied in comparative politics. New concepts of public spheres, based on state and civil society interaction, would further social scientists' comprehension of the region, as well as help develop the analytical tools that can be applied elsewhere in comparative politics.

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